Public Service Commission
Te Kawa Mataaho

Rapid Performance Improvement Review of the Ministry of Justice

November 2026



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Lead Reviewer Acknowledgement

We would like to thank the Ministry's senior leaders, managers and staff for their contribution to this Review. They shared their experiences, reflected on the Ministry's strengths and challenges, and offered practical ideas for its future. Their contributions were thoughtful and grounded in a strong commitment to the Ministry and its purpose.

Throughout the Review, we saw many capable and committed people working hard every day, in communities across the country, to support the courts, serve those who rely on the justice system and deliver better justice outcomes for New Zealanders. Their professionalism, commitment to public service and determination to make a positive difference provide a strong foundation for the improvements proposed in this report.

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1

Responding to the challenge

In this section:

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Agency Commitment

As this Performance Improvement Review sets out, the justice system in New Zealand is facing a difficult and challenging environment. The inflow and complexity of cases in courts and tribunals are increasing, workforce constraints are real and the tight fiscal environment has taken a toll. The Review describes a justice system where staff often struggle to lift their sights beyond the immediate work in front of them; a relentlessness pervades.

It is an enormous credit to all those who work in the system that despite these pressures and headwinds timeliness is improving in most jurisdictions and court participant satisfaction levels are high. The Review acknowledges these achievements and recognises the skill and commitment of judges, staff and other participants as a strength.

Notwithstanding this the Review concludes current settings are not sustainable. I agree.

The Review does an excellent job of setting out a five-year future excellence opportunity for the justice sector. It recognises this challenge cannot be met by the Ministry of Justice acting alone.

I welcome the ambition the Review conveys and accept the Review's recommendations. I am committed to implementing them.

While there is much more to do, our response to this challenge is already underway. We are working with the judiciary to reimagine how the court and tribunal system can work and to design more effective pathways for New Zealanders as they take their issues through the justice system. We need to prioritise and accelerate this work. The Accessible and Affordable Justice programme, a Ministry initiative, will generate recommendations for ministers to this same end.

In partnership with the judiciary, the Ministry is currently embarking on Te Au Reka, the single biggest digital transformation in the history of the courts in New Zealand. The Review challenges us to make the most of this opportunity. We need to ask some fundamental questions: do our court processes match the needs of the people who appear? How can we make sure that justice is not unduly delayed with all the harm that causes, and that the time of victims, defendants, claimants, lawyers, judges, and those working in the courts – is not wasted? And are we using technology appropriately?

This will require a close and effective partnership between the executive (including ministers) and the judiciary, and the support of our justice sector partner agencies and participants in the wider courts and tribunals ecosystem. I recognise the need for this work to draw more deliberately and proactively on the insights and knowledge of all participants in the justice system. We are up for that.

The Review also shines a light on our organisational culture. It recognises real strengths, including the commitment of our people and strong local teams, but also identifies aspects of our culture that can get in the way of us being at our best. It challenges us to be less hierarchical and defensive, more open to challenge and different perspectives, and clearer about how we manage rather than avoid risk, to ensure all our people feel safe to speak up. I accept those findings. While this has been an area of attention for us in recent years, with our engagement results showing progress in some areas, the Review is clear that we have more to do. As Secretary for Justice I take responsibility for leading that change.

My leadership team and I are putting the Review and recommendations at the centre of our work programme. We are reworking our current business plan to ensure the priority areas of action set out in the recommendations will be able to be progressed. We will hold ourselves to account for their achievement and work closely with the central agencies to make sure we successfully follow through.

Tē tōia, tē haumatia | Nothing can be achieved without a plan, workforce and a way of doing things.

Andrew Kibblewhite
Secretary for Justice and Chief Executive

Public Service Commission Support

The Ministry of Justice plays a central role in New Zealand's constitutional arrangements and in maintaining public trust and confidence in the administration of justice. It supports the operation of our courts and tribunals, works alongside an independent judiciary, and helps lead a justice system that is fundamental to the wellbeing of New Zealanders and the strength of our democracy.

It also operates in an increasingly challenging environment. Cases are becoming more complex. Demand and cost pressures are increasing. Workforce and infrastructure constraints remain significant. At the same time, expectations of service quality, accessibility and timeliness continue to rise, while the Ministry leads major change through Te Au Reka, one of the most significant court administration reforms ever undertaken in New Zealand and a programme representing a significant investment.

Against this backdrop, the Public Service Commission was asked by the Minister of Justice to undertake the Review of the Ministry's operational delivery functions. While the Review was commissioned following concerns arising from the Russell Harrison employment matter, its focus is broader. It examines whether the Ministry is positioned to meet the significant operational, organisational and system challenges ahead.

A central message from this Review is that the status quo is not sustainable. The pressures facing the justice system have been building for many years and will not be resolved through harder work, additional process, or further organisational complexity. The Ministry has an opportunity to move beyond managing today's pressures and towards helping shape a justice system that is more effective, accessible, trusted and sustainable.

The Review found the Ministry to have many strengths. The reviewers encountered committed staff, strong professional expertise, improving relationships with the judiciary, and a deep sense of public service purpose. These strengths provide a strong foundation for future improvement. In particular, the strengthening relationship between the Ministry and the judiciary, supported by closer collaboration during the COVID-19 pandemic and major initiatives such as Te Au Reka, provides an important platform for addressing the challenges and opportunities identified in this Review.

However, the Review also identifies performance challenges. It describes an organisation that is too often consumed by immediate operational pressures, lacks a sufficiently clear long-term direction, and is struggling to create the capacity required to address longer-term challenges including improving access to justice, responding to increasing demand and complexity, and realising the full benefits of major investments such as Te Au Reka. Frontline services are under pressure, operational performance requires greater focus, and progressing major decisions about the future shape of justice services is an important priority.

The Review also points to a significant leadership challenge. The Ministry must strengthen its ability to set a clear direction, make timely decisions, focus effort on the issues that matter most, and work with the judiciary, ministers and justice-sector partners to lead and support change across both the organisation and the wider justice system. This will require a shift in leadership approach and organisational culture, including greater openness to challenge, more space for longer-term thinking, and a willingness to make difficult choices in support of lasting reform. The scale of change required cannot be delivered through incremental improvement alone.

The choices ahead are significant. They will require greater clarity about the future the Ministry is seeking to create, stronger organisational alignment, and a willingness to focus effort and investment on the changes that will have the greatest impact. The opportunity is not simply to improve the current system, but to create a better one for the future.

The findings and recommendations in this report are intended to support that next phase of improvement. They identify where change is most needed and provide a foundation for strengthening performance and capability across the Ministry and the wider justice system. The Commission will support the Ministry's leadership, as required, to deliver on the changes outlined in this report.

I would like to thank the Ministry staff, members of the judiciary, justice-sector leaders, stakeholders and court participants who contributed to this Review. Their willingness to engage and contribute to the Review has helped shape a report that is candid about the challenges and clear about the need for change.

Sir Brian Roche KNZM
Public Service Commissioner

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About this Review

In this section:

- **Purpose and scope**
- **The Review approach and framework**
- **How we gathered insights and evidence**
- **Limitations and confidentiality**

About this Review

Purpose and scope

The Government has signalled a strong focus on improving the performance of the justice system, including supporting community safety, reducing victimisation, strengthening public confidence in institutions, and ensuring New Zealanders can access justice in a timely and effective manner.

The Ministry of Justice's operational delivery functions play a central role in achieving these outcomes through the administration of courts and tribunals and the delivery of frontline justice services across New Zealand.

Against this backdrop, and in the context of concerns arising from the Ministry's handling of the Russell Harrison employment matter, the Minister of Justice commissioned this Rapid Performance Improvement Review (the Review), which is being undertaken by the Public Service Commission.

The Review is intended to provide an independent assessment of how well positioned the Ministry's operational delivery functions, leadership, operating model, capability, systems and performance disciplines are to deliver sustained improvements in operational performance, successfully implement major change and support the Government's priorities across the justice sector.

The Review approach and framework

The Review applied an adapted and truncated version of the Public Service Commission's Performance Improvement Review (PIR) methodology and reporting framework. It was not undertaken as a standard PIR and was tailored to reflect the timeframe for this review.

PIRs are future-focused reviews that consider the contribution required from an agency over the medium term, the challenges it is likely to face, and the leadership, capability, systems and organisational performance needed to respond successfully. The methodology is intended to support improved performance and help agencies prepare for future demands and opportunities.

Consistent with the Terms of Reference, attached as Appendix One, the Review considered the future performance challenge facing the Ministry's operational delivery functions, the effectiveness of current operational performance, the leadership, culture, capability and organisational settings required to support future performance, and the lessons arising from the Ministry's response to the Russell Harrison matter.

The Review is anchored around a five-year Future Excellence Horizon, which reflects our assessment of the contribution Government, New Zealanders and justice-sector participants are likely to require from the Ministry's operational delivery functions over the medium term.

Based on the evidence gathered during the Review, it sets out the key performance challenges, opportunities and organisational shifts that we consider most critical to improving operational performance and supporting a more effective, accessible and sustainable justice system.

In a standard Performance Improvement Review, the Future Excellence Horizon is typically developed and refined over time through engagement with the agency and central agencies. Given the rapid nature of this Review, the five-year Future Excellence Horizon should be viewed as our rapid assessment and a starting point for further discussion and refinement by the Ministry as it considers its future direction, strategy and operating model.

How we gathered insights and evidence

Fieldwork was undertaken over a three-week period between August and September 2026 and formed the primary evidence base for the Review. We sought input through two primary engagement channels: confidential interviews and a dedicated confidential email inbox. Together, these channels were designed to support both open discussion and confidential participation, including by individuals who may not have felt comfortable raising concerns through normal organisational processes. More than 160 individuals were engaged in the Review process across the Ministry of Justice and the wider justice system. This included around 85 people who participated in almost 60 interviews, meetings and focus groups, together with more than 80 submissions received through the Review's confidential inbox.

We engaged with ministers and ministerial advisers, Ministry leaders and staff, members of the judiciary, justice-sector leaders, justice-sector partner agencies, court users and representatives, the legal profession, unions and other external stakeholders. We heard from senior leaders, managers and frontline staff across a range of functions and locations. We made particular efforts to hear from those closest to operational service delivery, as well as those with responsibility for leadership, governance and system stewardship.

The Ministry also provided a substantial volume of documentary material, including strategy, planning, governance, workforce, risk, assurance and programme documentation. We considered key documents throughout the Review to help inform our understanding of the Ministry's intended direction, current initiatives and organisational settings. We sought to understand how organisational settings, priorities, systems and behaviours are experienced in practice by those who work within, rely upon and interact with the justice system. In many cases, the central question was not whether a particular strategy, framework, plan or process existed, but whether it was understood, trusted, consistently applied and delivering the intended impact.

We tested strong emerging themes across interviews, confidential submissions and documentary material. While participants often held differing views on individual issues, there was a striking degree of consistency regarding many of the opportunities, risks and challenges identified throughout the Review.

Our findings therefore focus on the strongest themes that emerged most consistently across the evidence base, and which appear most significant to the Ministry's future operational performance challenge.

Throughout this report we have included a small number of quotations drawn from interviews and confidential submissions. These quotations have been selected because they are representative of themes that emerged consistently across the evidence base and help bring the experience of those who work within, rely upon and interact with the justice system into the report.

Limitations and confidentiality

This Review was undertaken during August and September 2026 as a focused assessment of the Ministry's operational delivery functions. It draws on extensive engagement with Ministry staff, the judiciary, justice-sector leaders, stakeholders and court participants, together with documentary material provided by the Ministry. Consistent with the Terms of Reference, we focused our attention on those matters most closely connected to the Ministry's future operational performance challenge. The Terms of Reference informed and guided the Review and we have considered each of the priority areas identified within them during the Review process.

Many of the matters examined were interconnected and cut across multiple priority areas.

This Review represents our independent assessment of the themes, risks, opportunities and performance challenges that emerged most consistently from the evidence available to us within the timeframe of the Review.

The Review does not examine the merits of individual employment decisions or specific employment matters. However, consistent with the Terms of Reference, it considers organisational responses, lessons identified and improvements implemented where these are relevant to the Ministry's operational performance, leadership, governance, organisational capability, systems and controls. This includes consideration of the Ministry's response to issues arising from the Russell Harrison matter.

Interviews and engagement activities were conducted on a confidential basis. Participants were assured that their comments would be kept in confidence by the reviewers and would not be used for any purpose other than for this Review. We regarded these assurances as fundamental to the integrity of the Review and to enabling participants to engage openly and candidly. The findings in this report have therefore been presented in a manner intended to protect the confidentiality of individual participants. Participants were also assured that records pertaining to their comments would be destroyed at the conclusion of the Review. These assurances of confidentiality were also provided to respondents to the Review-specific email address.

We greatly appreciated the willingness of Ministry staff, members of the judiciary, stakeholders and other participants to engage openly with the Review. The candour and consistency of many contributions provided an important source of insight into both the strengths of the Ministry and the opportunities that exist to further improve operational performance and service delivery.

3

The Ministry of Justice and the justice system

In this section:

- The Ministry of Justice
- Understanding the Ministry's operational delivery functions
- New Zealand's mixed model
- A justice system under intense pressure
- Te Au Reka and system transformation

The Ministry of Justice and the justice system

The Ministry of Justice operates in one of the most complex parts of New Zealand's public sector. It is both a large operational agency and the lead agency for an interconnected justice system. It works closely with an independent judiciary and a range of justice-sector partners, none of whom individually hold all the levers required to improve overall system performance.

The performance of courts and tribunals matters far beyond the administration of individual cases. Effective justice services help victims obtain timely outcomes, enable people, families and businesses to resolve disputes, provide confidence that rights and obligations can be enforced, and support trust in public institutions and the rule of law. They also contribute to New Zealand's wider social and economic wellbeing by providing the certainty needed for people, communities and businesses to participate confidently in society and the economy. When courts and tribunals are unable to respond in a timely and effective way, the impacts extend well beyond individual proceedings and are felt across communities, public institutions and the wider economy.

Understanding this context is important when considering the Ministry's future performance challenge and the opportunities identified throughout this Review.

The Ministry of Justice

The overarching purpose of the Ministry of Justice is to contribute to a safe and just society. At a high level, the Ministry describes its core functions as:

- advising the Government on justice and constitutional matters
- supporting an independent judiciary and the operation of courts and tribunals
- delivering justice services across New Zealand
- leading and partnering across the justice sector.

The Ministry provides policy advice across a broad range of issues, including constitutional, civil and criminal law, and Treaty of Waitangi matters. It also administers a substantial body of legislation and has responsibilities for judicial and statutory appointments and the monitoring of Crown entities and other bodies.

As the lead agency for the justice sector, the Ministry works with other justice agencies and participants to support system performance and advance shared priorities. A significant feature of its role is that it supports an independent judiciary while very consciously preserving the constitutional independence of judicial decision-making.

The Ministry's role, mandate, current priorities and key organisational information are described further in Appendix Two.

Understanding the Ministry's operational delivery functions

This Review focuses on the operational components of the Ministry as defined below. Consistent with the Terms of Reference, it does not include the independent functions of the Legal Services Commissioner or functions undertaken by staff working at the direction of the judiciary. Responsibility for operational delivery extends across several of the Ministry's overarching core functions and business groups, rather than sitting within a single part of the organisation. While the Ministry's policy functions remain important, they are outside the primary scope of this Review except where they materially affect operational delivery and performance.

Collectively, the Ministry's operational delivery responsibilities enable courts and tribunals to function effectively and support the delivery of frontline justice services across New Zealand. They are supported by the people, information, assets, technology, funding and organisational settings needed for reliable delivery.

For the purposes of this Review, the Ministry's key operational delivery functions can be understood as:

- **Supporting the judiciary and justice-sector operations:** providing the operational support required by an independent judiciary to progress matters through the courts and tribunals, while also working with justice-sector partners to support the effective functioning of the wider justice system.
- **Services to court users and participants:** providing services that enable victims, witnesses, defendants, whānau, jurors and other court and tribunal users to access and participate effectively in justice processes.
- **Collections and enforcement services**: managing fines, reparations, civil debt, enforcement and related operational activities.
- **Court security, safety and accessibility:** providing safe, secure and accessible justice environments and support effective participation in justice processes.

These functions are delivered through a nationwide network of courts, tribunals, operational sites and service channels. They also depend on enabling functions where these materially affect frontline performance, including workforce, property, technology, data, finance, procurement, policy, risk and assurance.

A substantial proportion of the Ministry's people, resources, operational risk and direct interactions with New Zealanders sit within its operational delivery functions. The experience of court users, victims, defendants, witnesses, and lawyers is therefore shaped both by legislation and policy settings, and the effectiveness of the Ministry's operational systems and services.

New Zealand's mixed model

A defining feature of the Ministry's operating environment is New Zealand's mixed model for the administration of the courts.

The judiciary is responsible for the orderly and efficient conduct of its business. Importantly, this function is, and must be, constitutionally independent of Government and the executive. The Ministry's role is to support (notably financially) the judiciary administer that responsibility. In practice, one cannot deliver New Zealand's court administration services without the other. They therefore have distinct but complementary responsibilities.

This mixed model seeks to protect judicial independence while enabling the Ministry to provide the money, people, systems, information, infrastructure, technology and operational support required for courts and tribunals to function effectively.

It creates a complex operating environment. The lines between 'orderly and efficient conduct of court business' and the 'supporting functions' are not always stark. A Statement of Principles was developed between the judiciary and the Ministry in 2018 to help clarify each party's respective responsibilities and roles, but understandably there are, and likely always will be, occasional areas of uncertainty and tension.

The practical reality of this mixed model means improvements to court administration performance nearly always require close collaboration and agreement between the judiciary and the Ministry. They do this at the highest level with the Courts Strategic Partnership Group (co-chaired by the Chief Justice and the Secretary for Justice) and at a more operational level through various joint committees.

Throughout the review process, we observed a strong appreciation among both Ministry and judicial participants of the importance of maintaining this balance. We also heard a consistent view that improving system performance will require continued collaboration between the judiciary, the Ministry and, to an extent, other justice-sector participants.

Many of the opportunities identified in this Review will therefore depend not only on actions taken by the Ministry, but also on continued partnership, collaboration, and agreement with judicial leaders. Meaningful improvements to court performance and the future design of court services will require close partnership between the Ministry and the judiciary, recognising their respective leadership and constitutional roles. Within that partnership, the judiciary has a leadership role in how the business of the court is conducted. The Ministry is responsible for advising successive governments on reform, resourcing the courts and contributing to their performance. Where these roles meet, particularly on more fundamental reform and on how court performance is measured and accounted for, the boundaries are not clear-cut and remain the subject of ongoing discussion between the Chief Justice and the Secretary for Justice. Reaching a shared understanding of how leadership of this work will be exercised will be critical to achieving the scale of change this report calls for.

A justice system under intense pressure

The justice system is operating under intense and sustained pressure. Demand and case complexity are increasing, while many parts of the system face workforce, infrastructure, capacity and affordability challenges. These pressures have implications for court timeliness, the progression of cases, the experience of victims and other participants, and the sustainability of workloads for staff and the judiciary.

The pressures reflect a combination of factors. Social and economic change has influenced both the volume and complexity of matters entering the justice system, while legislative and policy changes have altered demand, process requirements and the work expected of courts and tribunals. Demographic change is also affecting the availability and sustainability of parts of the justice workforce. At the same time, rapid technological change is creating new expectations of accessibility and service delivery, while requiring significant investment to modernise systems and ways of working.

The justice system functions as an interconnected pipeline

Decisions, delays and pressures in one part of the system can create consequences elsewhere. Increased activity or constraints in one jurisdiction can shift pressures into another; delays in case progression affect victims, defendants and other agencies; and pressures relating to policing, prosecution, corrections and social services can all flow through to court operations.

No single system participant therefore controls all the levers required to address these challenges. As noted earlier, the system includes agencies and participants with distinct statutory responsibilities and differing degrees of independence. This is why sustained improvement requires coordinated action, shared understanding of system pressures, and a willingness to make difficult trade-offs across organisational and jurisdictional boundaries.

Overall, the challenges facing the justice system are persistent, complex and difficult to resolve. Understanding whether those system challenges are improving or worsening, and to what extent, is far from straightforward. Certainly, the overwhelming sentiment by those we interviewed was that the overall challenges are becoming increasingly difficult to meet and that bold and decisive action is required.

Court performance is currently assessed through various measures and metrics — such as timeliness, backlog volumes, case age and case progression — and recent reporting presents a complicated picture. The metrics alone present a mixed picture of overall system performance.

We deliberately do not traverse the various and many individual measures of all the components of the system. Rather, we have assessed the pressure at a system level largely through the eyes and experiences of the participants we spoke with. There were several very strong and consistent system assessment themes that emerged during our interviews.

There have undoubtedly been improvements in some areas of the system following the disruption and backlog accumulation experienced during and after the COVID-19 pandemic. For example, targeted prioritisation of resources, incremental operational initiatives, and greater discretionary effort from the judiciary and frontline staff have contributed to reductions in District Court criminal case backlogs and improvements in some timeliness measures.

These improvements must be rightly acknowledged and applauded. They do, however, come at a cost. Without additional overall resources (particularly judicial), prioritising one area comes at the expense of another. The greater discretionary effort (which has been significant) given by the judiciary and frontline staff is far from infinite, and we consistently heard of the stresses and tolls that the sustained and increasing effort has caused on those involved. The available 'low-hanging' incremental operational initiatives that contributed to initial improvements are now scarcer.

Absent significant increased resourcing, current pressures are increasingly difficult to sustain in terms of workforce capacity, operating costs and infrastructure demands. Reprioritisation of the same resource, incremental process tweaks, and demanding more of people will simply not address the building systemic pressure the evidence overwhelmingly suggests the justice system is facing.

Demand continues to enter the system at scale, the complexity of cases is increasing, workforce and capacity constraints persist, and pressure is accumulating across multiple points in the justice pipeline. Many interviewees noted how improving efficiency within the existing model is providing rapidly diminishing returns. Instead, it is about considering whether aspects of the current system architecture remain fit for purpose and what changes may be required to ensure the justice system remains accessible, effective and sustainable into the future.

As one judicial leader observed, *"The next ten years gives us a significant opportunity. I think we will see a lot of court systems over the next 10–20 years significantly rearchitected. To achieve the promise of digitisation I think we will need to relook at how we run courts."*

We agree. Addressing these pressures requires clearer long-term direction and bold, coordinated and sustained change. The Ministry has an important role in developing advice and options for improvement, working closely and in partnership with the judiciary. Proposals affecting the institutional structure of the courts or how court business is conducted will need the close involvement of the judiciary from the outset.

This requires stronger long-term leadership of the challenges faced, greater focus and capability to consider more significant improvements to how justice services are organised and delivered within existing constitutional settings, and identifying where more fundamental questions may require separate consideration through appropriate constitutional processes. As the lead agency for the

sector, the Ministry has a critical role in helping identify future challenges, bringing relevant parties together and supporting long-term improvement across the justice system.

Additionally, in our view, meaningful court-performance measures should be developed by the Ministry and judiciary together, reflecting their distinct responsibilities and shared interest in improving justice-system performance. Measures should respect the judiciary's responsibility for the conduct of court business and recognise the factors each party can control or influence. The Secretary for Justice is also accountable to Ministers for aspects of court performance, including through the Vote Courts measures. How responsibility and accountability for court performance are shared is not yet settled, and agreeing this should form part of that joint work.

Te Au Reka and system transformation

The Ministry is undertaking one of the most significant transformations in the history of New Zealand's courts through Te Au Reka. The programme is intended to transform the administration of justice in New Zealand. It will replace largely paper-based processes and outdated technology with a new digital case and court management system that supports case management, judicial decision-making, court and tribunal administration, and online engagement by participants, including the ability to file documents, make payments, access court information and track the progress of cases online. The programme is intended to improve access to justice, reduce delays and unnecessary activity, and create a more effective, resilient and sustainable court system.

The scale of the programme means it will influence many aspects of the Ministry's operating environment over the coming years. It also coincides with a period of sustained pressure on court operations and increasing expectations of service performance and accessibility. Successfully delivering major change while maintaining reliable frontline services will therefore remain an important consideration for the Ministry and its partners.

Together, the Ministry's role, the mixed model, the pressures facing the justice system, and the scale of change already underway create a challenging operating environment for the years ahead. Against this broader context, the next chapter presents our proposed five-year Future Excellence Horizon. It sets out our assessment of what Government, New Zealanders, the judiciary and court users will require from the Ministry's operational delivery functions over the medium term, and the performance challenge the Ministry will need to address.

4

Future Excellence Horizon

This section sets out our proposed Future Excellence Horizon for the Ministry of Justice's operational delivery functions. It describes the future justice system we believe New Zealand will require over the next five years and provides the context for the findings and recommendations that follow.

Future Excellence Horizon

This section sets out our view of the contribution New Zealand will require from the Ministry of Justice's operational delivery functions over the next five years. It reflects our assessment of the future demands likely to face the justice system and the operational capabilities that will be required to respond successfully. The themes that follow draw on what we consistently heard from interviewees about the future they wanted for the justice system and the role the Ministry should play in helping to deliver it.

A trusted justice system

Over the five-year horizon, New Zealand will need to ensure that public trust and confidence in the wider justice system and rule of law remain strong. As seen around the world, the courts and justice system are a critical protection to preserve the health of democracies. Most citizens encounter the justice system at a time of vulnerability and stress in their lives, and it is important that their experiences strengthen — as far as possible — their respect for the institutions within the system.

This central challenge, to maintain and build public trust and confidence in core democratic institutions, is difficult in an operating environment in which the validity of information is under attack, fiscal constraints are mounting and understanding of and respect for the norms of the Westminster system of government are eroding. While New Zealand is starting from a strong base of public trust and confidence in our justice system and wider public service, it is not immune from these pressures.

A justice system designed around people rather than institutions

Given this, New Zealand will require a justice system that is designed around the needs of the people who use it, rather than around organisational structures, institutional boundaries or historical processes.

People seeking justice should be able to access services that are easier to navigate, less fragmented and more responsive to their circumstances. Victims, defendants, families, witnesses, lawyers and other court participants should experience a system that feels coherent and understandable, rather than one that requires them to navigate a complex network of agencies, jurisdictions and processes.

Many of those we spoke to described a future in which the system is organised around the journey and needs of participants. At the same time, it must continue to uphold the principles that underpin public trust and confidence in the administration of justice, including fairness, transparency, judicial independence and equal access to justice.

A justice system that resolves issues earlier, more proportionately and more effectively

Success will not simply be measured by how efficiently institutions operate. It will be reflected in whether people can access — and *feel* they can access — justice in a way that is fair, timely, understandable and proportionate to the issues they are seeking to resolve.

The pressures facing the justice system are unlikely to diminish. Demand, complexity, workforce constraints, infrastructure pressures and fiscal challenges are all expected to remain significant features of the operating environment.

In this context, success will increasingly depend on ensuring scarce judicial, operational and financial resources are focused where they add the greatest value. The challenge is not simply how to move more work through existing processes. It is how to ensure people can access the most appropriate pathway for resolving their issue.

Court and judicial resources should increasingly be focused on the matters where judicial determination adds the greatest value. At the same time, the justice system should continue exploring opportunities to resolve some issues through more accessible and proportionate approaches where this can be achieved safely and effectively.

Many of the people we spoke to described a future in which the system evolves to become more stratified, proportionate, sustainable and responsive to changing needs. Achieving this future is unlikely to be possible through incremental improvement alone. It will require a willingness to rethink how justice services are organised and delivered and to commit to significant system change.

A technology-enabled but human-centred justice system

Technology will play a central role in the future administration of justice, but it should be viewed as an enabler rather than an end in itself.

The successful implementation of Te Au Reka and related initiatives has the potential to provide the foundation for a more modern and efficient justice system. Participants should be able to engage with services through a range of channels, information should be captured once and shared appropriately, and staff and judicial officers should spend less time managing paper-based and duplicative processes.

The rapid development of artificial intelligence and related technologies is also likely to create opportunities to further improve productivity, automate routine administrative activities, support more integrated planning and decision-making, and reduce unnecessary duplication across the justice system. These technologies should be used to enhance the work of staff and judicial officers, helping them focus their time and expertise on activities that require judgement, discretion and human engagement.

At the same time, technology alone will not deliver better justice outcomes. The future system must remain fundamentally human-centred. It must continue to recognise the importance of professional judgement, discretion, fairness and personal support. Digital tools should support these things, not replace them.

The test of success will not be whether new technology is implemented, but whether it improves the experience of justice for the people who use the system and the people who work within it.

Strong operational leadership and stewardship of the justice system

As both a major operational agency and the lead agency for the justice sector, the Ministry's operational delivery functions will play an important role in supporting the future performance and sustainability of the justice system.

This will require strong operational leadership grounded in a deep understanding of how courts and justice services function in practice. Decisions should be informed by evidence, operational experience, participant insights and a clear understanding of the factors that drive demand and performance across the system.

It will also require stronger stewardship of the future. The justice system will need to anticipate emerging challenges, understand changing participant expectations and create space for longer-term thinking about how justice services should evolve. This future-focused stewardship role must be exercised in close partnership with the judiciary, recognising distinct constitutional responsibilities, including the judiciary's responsibility for the conduct of court business and the Ministry's responsibilities to Ministers for advice on reform and the administration of the courts.

The judiciary must be involved from the outset in shaping transformation and changes to the operating model. Those leading and designing this work need the constitutional literacy to drive improvements in justice-system performance in ways that uphold judicial independence and the constitutional role of the courts.

Reflecting on the Ministry, one interviewee observed during the Review, *"No-one is thinking in ten years' time what we want the system to do and what we need to do now to get there."* One of the defining characteristics of a high-performing future justice system will be its ability to answer precisely that question and translate the answer into practical action, investment decisions and system reform.

The Ministry's operational delivery functions play an important role in bringing practical delivery experience to this work. Their insights must support ministers, the judiciary and justice-sector partners to understand the choices, trade-offs and opportunities that will shape the future justice system. This requires the Ministry to maintain a deep and current understanding of operational realities across the court network, including the pressures experienced by the judiciary, registry staff and court participants. The Ministry's role extends beyond managing today's workload. They must also help the system think ahead, anticipate future pressures and support informed decisions about how justice services should evolve over time.

A confident, capable and future-focused operational organisation

Delivering this future will require an organisation that combines operational excellence with a willingness to embrace change and innovation.

Throughout the Review we heard aspirations from a wide range of stakeholders for the future system to be based on deeper operational understanding, closer connections to frontline experience and greater confidence in tackling difficult challenges. Those characteristics will become increasingly important in an environment of growing demand, complexity and constraint.

Leaders will need to provide a clear sense of direction and purpose. Staff must understand how their work contributes to justice outcomes and system performance. The organisation will need to balance the demands of today's operational workload with the work required to build a more sustainable future system. It will need to be comfortable making difficult choices, learning from experience and adapting when circumstances change.

The workforce will be skilled, engaged and equipped for the future. People should feel safe to contribute ideas, challenge assumptions and highlight opportunities for improvement. Leaders should actively seek and utilise the insights of frontline staff, recognising that those closest to operational delivery often have the clearest view of where change is needed.

What success looks like

Five years from now, New Zealand's justice system should have made substantial and measurable progress towards being more accessible, more sustainable and better equipped to meet the needs of those who rely upon it. People should experience a system that is easier to navigate, more responsive to their circumstances and better able to resolve issues in a timely and proportionate way.

Judicial, workforce and financial resources should be focused where they add the greatest value. Modern technology should support, rather than define, the delivery of justice. Strong operational leadership and stewardship should help ensure the justice system continues to evolve in response to changing needs and expectations.

Above all, people should experience a justice system that is increasingly designed around their needs rather than the needs of the institutions that support it. Achieving that future will require stronger operational leadership, clearer long-term direction and a willingness to embrace transformation rather than incremental improvement alone. The findings and recommendations in the following chapter identify the 'performance gap' between this Future Excellence Horizon and the Ministry's current state, and the changes we consider most important to closing that gap.

5

The five-year performance challenge

This chapter sets out the principal findings from the Review and the shifts we consider will best position the Ministry to respond to the challenges and opportunities ahead.

The findings are presented as a series of themes that traverse multiple elements of the Performance Improvement Review framework. This reflects both the interconnected nature of many of the issues identified during the Review and the rapid, targeted nature of this exercise. Recommendations relating to each theme are identified throughout the chapter.

The five-year performance challenge: Our findings

In this section, we outline our findings on the current state of the Ministry's operations and the wider context of the Ministry and justice system.

The suggestions and specific recommendations we make in this section are intended to assist the Ministry to 'close the performance gap' between the current state and the five-year horizon. They reflect the challenges and opportunities highlighted to us by review respondents. Taken together, they constitute the agency's 'performance challenge'. A consolidated list of recommendations is provided at Appendix Four.

The Harrison case is a microcosm for our broader findings

One of the precipitating events for this Review was the case of Russell Harrison, an entertainer, recording artist, and former TVNZ presenter who was employed by the Ministry of Justice in June 2021 as a Family Court navigator. He was arrested and charged just two weeks later, but the Ministry suspended him on full pay for five years, while the case was subject to legal delays and disruption associated with the COVID-19 pandemic.

Harrison collected an estimated $500,000 to $550,000 in taxpayer-funded salary during his lengthy suspension, in spite of a clause in his employment contract stating that his employment was subject to a clear Police vet and criminal conviction check, and despite Police having directly advised the Ministry of Justice of his circumstances at the time charges were laid. His employment at the Ministry was finally terminated in June 2026, after a lengthy name suppression was lifted and he pleaded guilty to money laundering connected to an international drug ring and the Comancheros motorcycle gang.

During this period, Harrison received incremental pay increases from the Ministry and was able to cash up some of his accumulated leave entitlement.

Court documents also revealed that during his push for name suppression, Harrison filed an affidavit claiming he was jobless and on a jobseeker benefit, despite receiving his full government salary. He also engaged in secondary employment.

The case generated considerable controversy and was a precipitating factor for this Review. In response, the Ministry chose to undertake an internal on-the-papers review, as well as an external independent peer review of the internal legal advice provided to senior leaders throughout the relevant period (which was subsequently found to be plainly wrong). A summary of the internal on-the-papers review findings and a timeline of the Ministry's handling of the case are attached as Appendix Three. It should be noted that we have not sought to directly verify or critique the internal findings, in view of the time available for this rapid Review.

The Chief Executive has also acknowledged lessons learned from the Harrison matter (as outlined by the Ministry in Appendix Three). He has acted by taking ownership of the Ministry's procedural errors, ensuring that accountability has been driven home to the relevant executive staff and ensuring that policies and procedures are being updated.

The Ministry stated that it would:

- develop greater depth of expertise and strengthen access to specialist employment law advice and assurance
- review and strengthen processes and guidelines for pre-employment checks, conditions of employment and management controls for conditional employment
- review employment policy settings for managing prolonged absences relating to criminal charges or allegations of serious misconduct, and provide managers with clear guidance
- strengthen decision-making for significant employment matters by clarifying legal, human resources and operational responsibilities and requiring comprehensive advice, risk assessment, independent review and documented reasons
- improve senior leadership oversight and escalation of high-risk or long-running employment matters through structured review points, regular reporting, defined decision points and no-surprises processes for ministers.

There is, however, further and deeper work to do. While the actions underway provide a foundation, sustained leadership attention will be needed to strengthen the underlying systemic issues behind this incident — such as ownership, judgement, challenge and people capability in practice.

The Ministry should test whether these changes are improving the culture behind the quality and timeliness of decisions, not simply whether new processes or policy have been put in place. We also suggest that the Commission should seek assurance on both implementation and effectiveness once the changes have had sufficient time to become embedded.

As lead reviewers, we are interested in the Harrison matter as indicative of wider themes relevant to our Terms of Reference. It is our view, and one shared by many interviewees, that the case illustrates some thematic issues that go to the heart of the five-year performance challenge we articulate in this section. These themes also emerged more broadly through our interviews and other evidence gathering during the Review. These include:

- **Insufficient leadership focus on public trust and confidence.** The Ministry's own internal review of the matter shows that senior leaders (including the Secretary for Justice and the Chief Operating Officer) considered aspects of the Harrison suspension on multiple occasions over the five years. While it is impossible, in the absence of a full review of the facts, to be completely certain, our interviews strongly suggested a preoccupation with process compliance and risk mitigation, as opposed to thinking about the impacts on the Ministry's big picture outcomes, reputation and public trust, and therefore its social licence to operate. Leaders appear to have been too easily accepting of initial decisions, rather than thinking about these strategically, and testing and questioning the fundamental premises of the advice they were receiving.
- **An internal culture driven by risk avoidance.** It is not uncommon for a suspended employee to be simultaneously subject to both employment and criminal justice processes, as in this case. The employee's rights in the latter can make it more difficult to progress employment issues. However, this employee had been at the Ministry for only two weeks when charged. The charges related to organised crime, drug offences and money laundering, all serious challenges to law and order in New Zealand.

The sensible thing to do here would have been to at least attempt to progress the disciplinary process under employment law — which requires a far lower threshold than criminal law matters — and seek to terminate Mr Harrison's employment, obviously while applying the appropriate natural justice considerations to the process. There were clear contractual grounds in Mr Harrison's employment contract under which to do so.

Instead, Ministry leaders, for five years, accepted the flawed internal advice that proceeding with the employment issue could not occur until the criminal matters were resolved. Despite the multiple occasions when managers raised the issue over the years, no one appears to have been prepared to proceed with the disciplinary pathway available. There also appears to have been no challenge to the initial internal advice.

This seems to us to be symptomatic of an internal culture based on risk avoidance, as opposed to risk management. In considering the advice, the senior team should have weighed the risks of proceeding with the employment process with the risks of inaction — in our view major in terms of reputational and sector leadership risk — and proceeded accordingly.

- **A lack of focus on system stewardship.** There was a perception among many of our interviewees that the Ministry would never put itself in a position where it might end up in a legal dispute, as if doing so would somehow be inconsistent with its role as a model for public trust in the rule of law. While Mr Harrison did not come into contact with victims of crime or other vulnerable court participants during his employment, the wider issue is how the Ministry, as steward of the justice system, should approach situations where alleged conduct could create risks for those participants and for public confidence in the administration of justice. Even where criminal charges remain unresolved, the Ministry must actively weigh those system and public-interest considerations alongside an employee's natural justice entitlements and be prepared to revisit whether its response remains proportionate as circumstances change.

  Even should the employment matter have ended in dispute and found its way to the Employment Relations Authority, it would seem preferable to us, for Ministry leaders to be explaining to the Authority the wider interests it has — such as protecting the interests of citizens (the taxpayer) and court participants (the often-vulnerable participants in Family Court proceedings) in their decision-making.

  Instead, the Ministry was overly concerned with the notion of appearing in its own system for possible legal error. As one respondent put it to us *"There appeared to be a strong reliance on legal and employment advice, with less consideration given to wider organisational impacts such as staff confidence, public confidence, reputational risk and alignment with the Ministry's values."*

- **Unclear ownership, with a focus on tactics and process crowding out focus on the big picture.** The required strategic outcome here was to lift above process minutiae and focus on a commonsense view of how this matter would so obviously present to the taxpaying public and to shareholding ministers. Over five years and multiple touch points, no single leader or decision-making body made a decisive call on how to proceed. As one interviewee put it, *"One of the challenges in this saga is that nobody really knew who was responsible. Maybe there wasn't one person taking overall ownership."*

No one appears to have fully appreciated that not making a decision might well be the worst possible decision. Several interviewees considered that opportunities to revisit assumptions, challenge advice and reassess the available options were not fully utilised as circumstances changed over time. One interviewee said, *"I … question whether there were sufficient opportunities to challenge advice, revisit assumptions and explore alternative options as new information became available. There were times when it felt as though the organisation became focused on what it could not do rather than fully exploring what it could do."*

- **Challenges for staff in speaking out.** We heard from several respondents that some lower-level managers tried to speak out in favour of an earlier resolution to the employment matter. They appear not to have been able to influence the more senior leaders that discussed the case. Some respondents felt that this was indicative of broader difficulties with influencing agency direction and speaking truth to power.
- **A defensive posture when challenged.** We were surprised, on reviewing the files provided to us relating to this case, that the Ministry had chosen to undertake an internal review, on-the-papers only, rather than commissioning a fuller external review and subjecting the matter to much deeper, independent, scrutiny. Although the Ministry's Chief Executive has publicly apologised for the agency's handling of the matter, we consider that a more independent review process would have better identified the underlying cultural issues that contributed to this failure, and would have demonstrated openness to challenge, organisational learning and public accountability.

The matters above speak to what appear to us to be some of the less constructive aspects of the Ministry's culture. In the subsections that follow, we outline several opportunities — as identified by interviewees — to build on insights derived from this incident, strengthen the many more positive aspects of agency culture and better equip the Ministry to address its future performance opportunities and challenges.

Tone at the top and organisational culture will be critical to future performance

The culture of the Ministry of Justice has many strengths that were commented on by interviewees and that are evident in recent engagement surveys. A strong sense of public service, commitment to justice outcomes and supportive local team cultures were frequently raised as positive features of the organisation in our interviews and inbox submissions.

These strengths are also reflected in the Ministry's Working for Justice survey results. The September 2026 survey achieved a participation rate of around 80 percent, with 74 percent of staff reporting that they enjoy working for the Ministry. Earlier Working for Justice survey results also showed that 75 percent of staff felt their values and cultural beliefs were respected. The results suggest a workforce that remains engaged and committed to the Ministry's purpose and proud of the contribution it makes to New Zealand's justice system, despite a period of significant organisational and operational change.

There are, however, elements of the organisational culture that act as a brake on transformative change of the sort now needed in the courts and across the justice system. The Ministry's recent Working for Justice survey results were generally positive overall. However, survey findings and qualitative feedback identified recurring themes relating to leadership, communication, organisational direction and change-related issues. Leadership and communication emerged among the most frequently raised themes in employee feedback.

These themes were reinforced through our interviews, confidential submissions and stakeholder discussions. Many respondents linked these concerns to what they described as a hierarchical culture, a conservative approach to risk, insularity and a protectionist stance in response to external input. Interviewees suggested that these characteristics slow decision-making, limit openness to challenge and make it harder to deliver the scale of operational change required across the justice system.

The sense of insularity in Ministry culture we note above was described by a wide range of interviewees. *"It's a bit like a walled city"*, said one. *"It doesn't seem open to input from outside the walls."* Another said, *"... there seems to be a real resistance to outsiders."*

Hierarchicalism, or what some called a command-and-control culture, was also remarked upon by many interviewees who described a governance environment in which *"everything goes to the top"*, with *"decision-making concentrated and controlled amongst a very small group of senior leaders and governance bodies"*. As one submitter put it, *"a highly hierarchical and siloed culture"* can make it difficult for employees to contribute ideas, challenge existing ways of working, or influence decisions. Respondents suggested that these behaviours constrain continuous improvement and reduce opportunities for innovation.

Many interviewees spoke about the opportunity to build a more empowering, adaptive and change-oriented culture. One interviewee captured a view expressed by a number of respondents: *"I believe the Ministry would benefit from moving towards a more modern, high-performing, and transformational culture, where leadership is demonstrated through behaviours rather than titles, and where employees feel empowered to contribute, safely challenge decisions, and help improve systems and services. We should actively embrace people who think differently, question the status quo, and seek better ways of working, rather than unintentionally rewarding conformity."*

Interviewees frequently linked this to the Ministry's approach to risk. A number described a culture that appeared more focused on avoiding criticism or adverse attention than on taking a deliberate and balanced approach to managing risk. Good practice in public agencies would be for the executive team to set clear risk appetite statements, describing the areas in which they have high or low tolerance, and then operate with a dynamic strategic risk framework that is regularly reviewed and reset by leadership. At present, the default mindset appears to be to try to eliminate all risks. This freezes innovation and speaking out and inhibits anything but the most incremental change.

Several interviewees distinguished between risk management and risk avoidance. While most accepted that the Ministry operates in a highly exposed and politically sensitive environment, a recurring concern was that the organisation has become unclear about where it is prepared to consciously accept risk in pursuit of better outcomes.

While the Ministry has invested in a risk management framework, risk appetite settings and some related assurance arrangements, multiple interviewees questioned whether these are sufficiently developed, understood, communicated and applied in practice. We heard from senior Ministry leaders who suggested that risk avoidance sometimes crowded out innovation and timely decision-making. We also heard from operational leaders who spoke about delayed decisions, repeated consultation, uncertainty regarding who was empowered to make difficult calls and difficulty progressing change. External stakeholders questioned whether caution and process could sometimes become barriers to reform.

As the Ministry and the wider justice system confront some big decisions to ensure the improved efficiency, effectiveness, and sustainability of a justice pipeline under stress, this confusion and ambiguity about risk will not serve the agency well.

We recommend the risk framework —and accompanying risk appetite statements — be refreshed, communicated more effectively and actively applied. As one interviewee put it, *"... we're at the point we can't just keep tweaking and band-aiding. We need to break some eggs and make a new omelette. That'll take a level of bravery and risk appetite I'm not sure we have."*

On this matter, several interviewees worried that the Ministry was overstating judicial independence as a way of putting the brakes on non-incremental change. *"There's a culture of saying 'the judges will never tolerate that'. Or 'independence will prevent us doing that'. When actually I think that's sometimes an excuse for not trying. The judges know we need to make some big changes. They feel it every day. And they'll soon tell us if we overstep."* Another said, *"It's a sophisticated balance, we have to respect judicial independence, but we are also bound to support them with the people, systems, tools and infrastructure they need to deliver justice well. I think we sometimes interpret it too narrowly because it suits us to avoid the hard calls."*

In contrast, our assessment is that the judiciary has a stronger appetite for improvement and significant change than the Ministry has sometimes assumed. Interviewees highlighted examples where the judiciary had demonstrated both a willingness and an ability to lead significant change within the courts, with several pointing to initiatives such as Te Ao Mārama, the Digital Strategy for Courts and Tribunals, and other court-based innovations as evidence of the judiciary's appetite for innovation and service improvement.

Judicial independence should be treated as a critical design requirement for reform. This includes ensuring that procedural fairness, the institutional independence of the courts and the wider constitutional principles underpinning the administration of justice are reflected in the design itself.

The judiciary must therefore be involved in shaping the design, with ambitious options explored through early and genuine partnership between the judiciary, the Ministry and other relevant participants. The tone of any organisational culture is set and modelled at the top. It will be important, for the next chapter of the Ministry's development, that all leaders build on the positive traits in organisational culture and carefully disincentivise some of these less desirable attitudes and behaviours.

Leadership team dynamics must also be sufficiently robust that members can hold each other to account for any misalignment between the values and their own behaviours. Leaders at every level must be selected and assessed not only for their technical competence (which should, at senior levels, be a given) but also for their ability to understand the need to act with integrity and to model and reinforce the right culture and values.

Leaders must not only model, recognise and reward the right behaviours, but they must also act authentically in the grey areas and when values are tested. If an employee takes an action in defence of values because they believe it to be the right thing to do, but leadership does not agree or welcome the message, this will have a chilling effect on others speaking out.

Several staff submissions expressed concern that organisational behaviours did not always align with the values and messages being communicated by leaders. As one submitter put it, *"The walk does not match the talk from the top."* This was also reflected in the Ministry's recent Working for Justice survey feedback, where leadership behaviour, organisational direction and communication emerged as recurring themes of concern.

Survey results also show a notable difference between the views of senior leaders and those of other staff. In the September 2026 Working for Justice survey, the difference between Strategic Leadership Team responses and those of the rest of the organisation exceeded 15 percentage

points on three of 14 measures: feeling safe to tell the truth even when the message is unpopular, workload, and managers acting in line with Ministry values. While some variation in perspective is to be expected, these differences suggest that aspects of organisational culture are experienced differently across levels of the organisation.

Interviewees also told us that some leaders needed to prioritise people management above issue or process management and lead with greater empathy. As one put it to us, *"There's an old-style culture of just get on with it, and a discomfort amongst some leaders and managers with dealing with sensitive matters. They need to be supported and equipped with more skills in this area."*

If the Ministry is to seize the opportunities for a new strategy and a more future-fit operating model that we outline below, its leaders will need to model a move from the current conservative approach to change, to a more pragmatic, operationally led willingness to engage with significant change across the system. The Ministry's leadership will also need to adopt a less hierarchical and more inclusive approach to using partner, customer and frontline staff voice to guide innovation and service delivery improvement. As noted above, this will require close partnership with the judiciary in shaping change that improves justice-system performance while upholding judicial independence and the constitutional principles underpinning the courts.

Critical to these shifts will be an understanding on the part of senior leaders that the boldness and innovation required to respond to the complex problems the justice system now faces will mean that some initiatives will not proceed exactly as planned. Rather than being defensive about these, leaders will need to be open to learning from them and situating them in a system and public-facing narrative that describes the pain points being addressed and the strategic outcomes being sought over the medium term.

Recommendations

1. Working inclusively with staff at all levels, review Ministry values and translate them into specific, observable leadership and staff behaviours. Embed these behavioural expectations in selection, development, performance and recognition processes.
2. Develop an Executive Team Charter (tiers 1-3) that reflects the revised values and sets clear expectations for collective leadership, appropriate workplace behaviour, constructive challenge, decision-making and accountability. Support this with regular self-review and periodic external review.
3. Review and refresh the Ministry's current risk appetite settings and ensure they are clearly communicated, consistently understood and actively applied to support timely decision-making, innovation and transformation.

Going forward, there is opportunity to clarify strategy and provide a 'light on the hill' for coming changes

Vision and purpose

People who join the public service tend to be highly mission driven, and to care passionately about ensuring that their agency, and the system of which it is a part, provides excellent services to New Zealanders. They thrive on making a difference and sometimes trade off better pay and conditions in the private sector to do so.

Ministry of Justice staff, the judiciary, and other partner sector agencies, are no exception. We met many passionate and talented people who cared deeply about the effective and efficient

operations of our courts and the quality of the court and tribunal experience for all its participants. The judiciary also brings ambition and a vision for change that can help shape the future of the courts.

In our experience, those who serve in public agencies want to see the meaning in their work and feel connected to a bigger purpose. Whether it is someone in accounts payable, a court registrar or a senior judge, their service needs to be inspired by a clear vision of what success looks like for the agency and system, along with a clear line of sight between that vision and their own day-to-day work. It is this golden thread that connects all system players, all staff in an agency, and helps unleash not only their best work, but the discretionary effort that is the hallmark of the dedicated and hardworking public servant. Whether a judge or a junior file clerk, they need to feel they are doing the justice equivalent of contributing to putting a person on the moon.

This shared understanding of agency and system vision, as a light on the hill inspiring their service, was not evident to most interviewees. This issue was raised by a wide range of participants, including frontline staff, senior Ministry leaders, members of the judiciary, sector partners and external stakeholders. While different groups described the problem in different ways, many struggled to identify a simple and compelling picture of what success would look like for either the Ministry or the wider justice system in five to ten years' time. Several interviewees suggested that future vision and strategy would be more meaningful if they were more clearly connected to the realities of court operations and the experiences of those working closest to service delivery.

One manager described the challenge more directly: *"Strategically, I can't see the light on the hill. Where are we going? I can't see the mission here."* A frontline staff member expressed a similar concern, observing that, beyond Te Au Reka, it was not clear what the wider organisational plan was intended to achieve. Pockets of the system have created their own vision straplines — such as 'timely justice' for the District Court and 'to strengthen trust in the rule of law' for the Ministry — but few interviewees could describe what that might look like when they got 'there' or how these aspirational purposes might best be qualitatively measured.

Many respondents tended to drop down into the more easily quantitatively measurable — such as 'timeliness in the courts' — as opposed to the higher purpose. As noted above, timeliness is an important efficiency measure, but a richer vision would also entail effectiveness and customer experience aspirations.

Given the operational pressures on our justice system, including the courts, there is now an opportunity for the Ministry to better elucidate the narrative that sits behind its current vision or to develop a refreshed vision to guide its people and its journey over the next five years.

The vision will also need a small number of overarching measures of success that help leaders, ministers and staff understand whether the justice system is making progress towards its intended future state. These measures should help balance the 'heart' element of aspiration and ambition, with the 'head' elements of system leadership accountability and demonstrable progress. If the Ministry retains its current rule of law-related vision, we suggest that it needs a simple public trust and confidence target for the period that is clear to all, as well as being regularly measured and tracked.

However, having a vision is not enough. People need to understand it, believe it and see how it connects to the Ministry's priorities, programmes and day-to-day decisions. Interviewees consistently told us that future-state thinking only has value when it is accompanied by credible plans, visible progress and a clear line of sight between strategic intent and operational delivery.

Any new or refreshed vision needs to be cascaded to all parts of the justice system and all levels of the agency, in order that each player can readily articulate their own role in contributing to this higher purpose that unites them. It is this ability to see the golden thread that will galvanise their discretionary effort, align their work across a complex system and assist them to focus on the things that matter most.

Strategy for both system and agency

Although the Ministry has a one-page agency strategy and a Long-term Insights Briefing for the courts and justice services, these are both high-level and generic documents. They sit alongside a number of other strategy-adjacent artefacts, such as lists of key initiatives, key drivers and so on. Despite the Ministry's role as justice system leader, there is at present no unified strategy at a system level, beyond a list of four system priorities.

The Ministry also has the usual suite of planning and accountability documents, including its Strategy 2025–2029, Statement of Intent, annual Focused Business Plan and quarterly performance reporting. The concern raised with us was not the absence of plans, priorities or reporting. Rather, it was whether these documents collectively provide a sufficiently clear, simple, memorable, and measurable direction that can coherently guide decisions across the Ministry and the wider justice system.

Respondents told us they found the existing strategic documents overly bland at best and at worst confusing. It was common for interviewees to tell us that they struggled to produce their own plans or to prioritise their daily work as, in the words of one, *"There seems to be nothing much to anchor my work into. It's all a bit too high level, plus the multiple documents make things confusing."*

Similar views were expressed by both managers and frontline staff. One manager described the strategy as *"an aspirational document with some fluffy words"* but questioned what it actually meant in practice. Frontline staff told us that *"the overall plan, the Ministry plan, is not at all clear. It would be good to have some direction."* Another frontline employee told us that they *"did not know what they were aiming for beyond the implementation of Te Au Reka".*

This sentiment was not confined to any one stakeholder group, with similar observations made by frontline staff, senior Ministry leaders, members of the judiciary, justice-sector partners and external stakeholders, many of whom described difficulty understanding how individual initiatives, projects, priorities and organisational plans connected to an overall future direction.

Different parts of the system and agency have reacted to this issue in different ways. Parts of the agency seem to default on the priorities of the Government of the day, without nesting them into a longer-term strategy. Other parts produce their own 'bottom-up' plans. All this amplifies the widespread confusion around the medium-term direction. It also undercuts both system and agency alignment and cohesion.

Metrics, while numerous, are largely focused on short-term performance, such as timeliness, court user satisfaction and debt collection. These are useful in their own right, but do not connect the Ministry or the system to a longer-term sense of aspiration. They do not feature at all in the one-page strategy and are noticeably absent from the working strategic documents used by managers and staff.

While internal business plans have targets, and there is now extensive dashboard reporting, we heard few interviewees refer to organisation-wide or system-wide strategic targets outside the priorities of the current Government. Nor did we hear respondents describe outcome or impact-based targets at either organisational or system level.

Recent reporting shows improvement in some important areas, including criminal court timeliness and Family Court backlog reduction. However, interviewees observed that these measures do not always provide a clear picture of the Ministry's own contribution to the performance of the justice system and, if relied on in isolation, can miss other important aspects of effective justice and trust in the rule of law. There is now an opportunity for the Ministry to provide a clearer and more consistent picture of system performance, where progress is being made, where pressure remains, and the issues that will require attention over the performance horizon.

This current lack of overall strategic clarity needs to be addressed with urgency. Interviewees described a system in which different parts of the agency and justice sector have increasingly developed their own priorities, plans and interpretations of success. Staff should not be left wondering if they are prioritising the right things.

There is now a real opportunity to work with system partners, the judiciary and all parts of the agency to ask the critical questions that will help refine the medium-term narrative. First, what are the outcomes from the system that we are seeking as we work to make our vision a reality? And second, what are the organisational capability investments we will need to make to deliver those system outcomes? Once the Ministry has worked through the five-year picture in response to these questions, it can create a focused plan that shows how it will work back from the outcomes to nearer term priorities.

This process should not be about making lists of key projects. It should not be about asking what we should do next week or next month. It should instead be centred on a set of strategic trade-offs and choices. At both agency and system level, the Ministry needs to ask, '*What are the three, four or five most critical things we want to achieve in service of our vision and purpose over the next five years and how will we know when we've got there?*'

Given the seniority of leadership embodied in the Courts Strategic Partnership Group, and the Justice Sector Leadership Board and the commitment of justice sector ministers, such an exercise is certainly achievable.

At its essence, it is about making a complex narrative simple enough that it unifies and grips the imaginations of all system players, while also assisting them to make daily prioritisation decisions.

The need for a simpler and pared-down strategy was expressed by most interviewees. One said, *"We are currently complexity merchants. We're in a big blancmange of plans and priorities and initiatives and projects and dashboards. We're drowning in detail. We need to step back and look up. Simplify around the core mission."*

Once strategy is clarified and made both memorable and measurable, it can much more easily be cascaded into business unit and subsector plans, providing improved coherence to the entire system.

In our view, clarifying and refining vision and strategy in this way is the single most urgent priority now before the Ministry. From these things, all other elements of leadership, culture and performance flow. If they are too nebulous, as in the current state, the good people who work for the Ministry and across the system feel they are walking in the dark. This makes them less productive, less confident trading off risks and choices and less satisfied that they are fulfilling the mission for which they joined.

In making this suggestion, we are not advocating for a lengthy consultant-driven process or overly elaborate strategy. We refer to a practical, clear and measurable plan on a page. This should be the key artefact through which the Ministry leads the agency and system and through which its performance to outcomes can be monitored and measured.

In getting to that page of distilled strategic insight, the process will be as important as the product. Where this intersects with courts administration, it is critical, obviously, that the work is done in collaborative partnership with the judiciary. It is also vital that the strategy setting process is undertaken with the engagement of frontline staff who are closest to the needs and interests of the citizen, customer and end user.

Strengthening operational focus

As it proceeds with the vision and strategy work advocated above, the Ministry must ensure that its choices and priorities reflect the full reality of its business. It is both the Government's principal source of justice policy advice and a large operational agency operating within a complex, multi-agency system. Its policy capability is a significant strength. The opportunity now is to build on this strength by giving greater and more consistent attention to court operations, customer service delivery and system performance alongside policy and ministerial servicing.

Interviewees consistently regarded the Ministry's policy work as high quality, and good policy is integral to effective operations and system leadership. The issue is not that policy should have less standing, but that its demands are currently crowding out the sustained executive attention and supporting resource required to address complex future challenges in broader operational stewardship, strategy and execution. For example, we were surprised that there is no room in the Ministry's executive team for a manager dedicated to the District Court (the busiest court in Australasia). We were equally surprised about the thin resource levels allocated by the Ministry to provide dedicated and specialist resource to support the heads of bench to provide judicial policy, operational and strategic input into the mixed model and the future development of the courts. We strongly suggest this be re-examined.

Going forward, the scale and significance of the operational ask warrant a deliberate rebalancing. Most of the Ministry's direct interactions with New Zealanders occur through the courts and wider justice system, and its operational services carry significant delivery, workforce and reputational risk. Operational performance should be more prominent in the Ministry's strategy, executive agenda and organisational narrative. The aim should be a better integration of policy, system leadership and operational delivery, with each informing the others. This includes a stronger link between policy design and operational policy, so that the delivery implications of new policy are understood and planned for early.

Interviewees were very firm on the need to give greater prominence to operations. *"They have to be careful not to get trapped in an abstracted intellectual world of concepts on Aitken Street [in Wellington]."* As another put it, *"... they sometimes seem like people running a hospital who've never been on a ward. Everyone in that place must understand, live and breathe the work of the courts, not just the frontline."* Effective stewardship of the courts requires a deep understanding of the realities of court operations and the experiences of those who work within and rely upon the system.

Recommendations

4. Working with urgency, and with broad staff and stakeholder engagement, the Ministry should refresh both its vision and medium-term strategy into a plain language artefact based on measurable outcomes. The refreshed strategy should explicitly reflect the Ministry's identity and priorities as a major operational agency and its system leadership responsibilities. It should then be cascaded into the plans of all business units and the performance agreements of all staff.
5. Strengthen strategic external and internal communication/stakeholder engagement with a view to improving reach and depth of messaging around strategy and direction.

The Ministry will need to ensure that its stewardship obligations are not crowded out by a tactical and reactive approach

Part of the Ministry's system stewardship role is to help the judiciary, justice-sector agencies and Ministers think beyond immediate operational pressures and maintain a shared understanding of the longer-term challenges facing the justice system. It must have an anticipatory mindset. It should consider a range of future scenarios and black swan events. As government priorities change, the Ministry will naturally adapt this narrative in response, but the core issues will remain broadly constant as the wider context for its advice.

As it refines vision and strategy, the Ministry's leadership needs to focus firmly on these stewardship obligations, both as guardian of the wider justice system and in terms of its obligations to serve not only the Government of the day, but successive governments. Both dimensions of stewardship require looking long and looking out. They require an ability to scan for, analyse and anticipate future trends, consumer needs, and system risks.

Currently, this stewardship mindset is crowded out by an overly tactical and reactive approach, particularly in court operations. This was one of the most consistent themes to emerge from this Review. While interviewees often described the longer-term challenges facing the justice system in remarkably similar ways, many also expressed frustration at the difficulty of finding organisational space to address them. Several participants spoke of a cycle in which immediate operational pressures, delivery commitments and short-term priorities repeatedly displaced stewardship activity, future-focused thinking and reform efforts. *"We tend to be very lurchy"*, said one interviewee, *"and always in the moment."*

Interviewees were united in commenting on the difficulty entailed in getting what they variously described as *'time to think', 'a chance to look up and out'* or *'some breathing space to plan.'* Many felt drained by trying to do too much, or what one called *'the relentless grind of too many priorities.'* Another said, *"virtually all the conversations I have are about how busy we are ... I am starting to think we have taken on too much. We have too much going on."*

This is not for want of trying. Interviewees referred to the data and insights team as a good example of an investment in stewardship thinking but perceived that it most often supported developments in policy as opposed to operations. Some positive building blocks for longer-term stewardship are beginning to emerge, including the digital strategy and long-term property plan, although these are not yet part of a fully developed and integrated stewardship approach. Small stewardship groups have also been formed in some functions, although, as one interviewee put it, *"Stuff still tends to get bumped by crisis."* Another said, *"We really do try to address the longer-range questions you're asking. But they keep getting crowded out. All the oxygen is taken up with the immediate."*

Indeed, the agency appears firmly focused on managing up to ministers, often in response to ad hoc initiatives, as opposed to knitting together a longer-range strategy narrative into which the priorities of the Government can be set or against which ministerial preferences can be traded off. This is deeply frustrating to ministers, some of whom feel they are doing the heavy conceptual lifting on what needs to happen, as opposed to being provided with advice and options that are contextualised within a clear, longer-range narrative and a shared understanding of future trends and risks. The multiple ministers across the justice system also sometimes feel that they are having to do the joined-up thinking about system risks and outcomes, when the Ministry, as the sector leader, should be bringing this to them more proactively. Even more worryingly, some ministers also fear they may be being given a less than complete picture of risks and opportunities. *"If I don't ask specifically"*, remarked one, *"I'm not sure they'd bring them to me."*

Several interviewees noted that one of the Ministry's most important stewardship functions should be helping ministers understand longer-term risks, choices and trade-offs. In their view, effective stewardship is not separate from ministerial responsiveness. Rather, it provides ministers with greater confidence that immediate decisions are being made within a coherent understanding of future system pressures, priorities and opportunities.

Although the Ministry has developed a range of plans to address demand pressures in parts of the system, such as the Family Court, at the practical level, frontline staff told us they could not see a clear organisational plan for addressing demand, backlogs and resource pressures. They repeatedly described the Ministry as operating reflexively, with temporary measures such as overtime or the movement of responsibilities, rather than a visible longer-term plan. *"We patch. We don't fix",* was a common sentiment.

One of the results of this default temporalism is that the Ministry, in the operational space, seems often to find itself addressing symptoms as opposed to the root causes of deeper issues. It reacts to the presenting issues, as opposed to standing back and addressing system architecture or bigger strategic choices. An example at agency level has been the property portfolio, where money has sometimes been spent on replacing like for like, rather than thinking about what the system will need in the future. It is pleasing to see this gradually starting to change to a more holistic and portfolio-based approach.

The starkest example is in court operations, particularly in the District Court, where the traditional machinery of operations has been running increasingly hot for years, given the increases in the volume, complexity and mix of both civil and criminal cases, and the cap on judicial resource. The judiciary's response has often been to work harder, and in conjunction with the Ministry, focus on improved efficiency in the form of timeliness, reducing backlogs and so on. Both approaches are now at or beyond what can be tolerated and sustained. There are real issues with both staff and judicial welfare and workload.

The Ministry's frontline operational capability is under significant and sustained pressure. There is an obvious need to step back and rethink how justice services are organised and delivered , within projected human and other resources and while respecting existing constitutional settings. The opportunity is for the Ministry, the judiciary and justice-sector partners to jointly develop a more systematic and forward-looking approach to the future design of the system, rather than relying primarily on short-term responses to immediate pressures.

An unintended consequence of the Ministry's tactical mindset is that some of its people appear to have become somewhat addicted to crisis and emergency. There is a certain seduction in feeling one is heroically saving the day by going the extra mile. This kind of adrenaline-driven activity is admirable and at times brilliant. But it is not sustainable. A robust and well-performing justice system cannot be based on heroics. They conceal deeper problems and damage the human capability and wisdom that are so fundamental to the system. At a system level, it makes it more difficult to attract and retain highly specialised talent. At an agency level it contributes to fatigue, burnout and workforce turnover.

The latter is nowhere more apparent than at the frontline of court operations, where the registry staff that drive the day-to-day operations of the courts are working under sustained pressure and are often required to do so using antiquated systems and tools. Several interviewees emphasised that registries are critical to the effective operation of the courts and future system performance. They suggested future reforms should carefully consider how registry capability, leadership and local ownership can be strengthened. At present, however, many felt those functions were operating under considerable strain.

As a result, some interviewees expressed a degree of pessimism about whether improvement is possible. *"We just seem to play whack-a-mole"*, said one interviewee. *"I joined to make a difference to our society, not play firefighter every day. It's beyond exhausting."* The Ministry's stewardship role encompasses both the agency and the wider justice system. The Ministry must provide strategic leadership across the justice agencies and develop as well as lead a coordinated programme of system reform and service delivery improvement. As noted earlier, the justice system is a very complex pipeline, from prevention and policing to prosecutions, sentencing, incarceration, and reintegration. A whole-of-system approach enables the players to see how decisions made in one part of the system impact others.

At present, however, the Justice Sector Leadership Board and other sector governance bodies appear to function amicably but with a low focus on operational matters or non-incremental change. As one interviewee put it, *"... it actually feels a bit performative. Real systems thinking involves difficult trade-offs. Ministers know that. I think New Zealanders know that. But the Ministry appears to have low appetite for this way of operating."*

We suggest that the Justice Sector Leadership Board now needs to lift its sights to tackle the difficult trade-offs facing the justice system. Given the increasingly unsustainable current state of the justice system, these bodies need to move from a 'nice meetings' approach to a focus on a clear, operationally focused system strategy that can drive coordinated improvement and transformation.

Doing so will require the Justice Sector Leadership Board and other system stewardship bodies to recast their ways of working and to operate with greater heft via an enhanced secretariat, data analytics team and/or enterprise portfolio management office (EPMO). These bodies need to hold themselves to account for system-wide outcomes and for delivering the joined-up system plan to the range of ministers. They, and the Ministry, also need to be more proactive and courageous in identifying system-wide reform options across legislative, policy and operational domains to better anticipate and plan for future challenges.

Recommendations

6. Working with ministers, the judiciary, justice-system agencies and system participants, lead the development of an agreed long-range stewardship plan for the justice system, with clear outcomes, priorities and accountabilities. The plan will need to recognise the various independent mandates and decision-making roles and should be used to frame advice on longer-term risks, strategic choices and trade-offs, and to guide future investment and reform priorities.
7. Ensure that stewardship, foresight and longer-term planning are treated as core leadership responsibilities. Strengthen regular mechanisms for identifying future risks, opportunities and reform priorities, and ensure sufficient analytical capability and leadership attention is dedicated to these activities.
8. Review system governance architecture in the context of the long-range stewardship plan. Clarify mandates, decision rights and accountability for whole-of-system outcomes, recognising the independent roles of system participants and taking account of wider public service reform initiatives. Ensure governance arrangements are supported by implementation, data and foresight capability.

Clear strategic direction needs to be communicated, cascaded and translated into accountability and performance

Once the strategy refresh suggested above is actioned, it will be critically important to communicate at all levels of the agency and across the system, the logic and rationale behind the trade-offs made. Strategy is fundamentally about making choices, not just what to do, but what *not* to do.

A recurring theme in both interviews and confidential submissions was that many staff and stakeholders understood the pressures facing the Ministry but were less clear about how decisions were being made between competing priorities. Several participants indicated that they were more likely to support difficult trade-offs when the rationale behind those choices was clearly explained and consistently communicated. As one interviewee observed, people are generally willing to accept difficult choices when they understand the reasons for them and how they fit within a broader plan.

To communicate the Ministry's story around strategic direction, choices and priorities effectively, the Ministry's leaders will need to have done the work to break the newly refreshed strategic outcomes down into multiple time horizons. That is, they need to work back from the aspirational five-year outcomes to chunk the work into time periods, with accompanying progress metrics.

Communicating a plan in this way gives stakeholders and staff confidence that the elephant can be eaten, one bite at a time. To mix the metaphor, each horizon can be described as a specific ascent that is part of a longer climb.

The Ministry can plan some confidence building quick wins over the initial 12-18 months, followed by medium-term performance improvements. The plan should also include some longer-term game changers.

This will illustrate how strategic initiatives link together and how they are being sequenced. This easy to understand and carefully sequenced planning will assist staff to see their way out of what one frontline interviewee called, *"the demoralising trap we're in, where we work harder and harder without let up, all the while being told the Ministry will get smaller."*

Once this work is done, we suggest the Ministry consider a tight–loose–tight approach to implementation. Under this approach, the Ministry's 'why' or vision will be crystal clear and measurable. It's 'what' or strategic objectives will also be tightly prescriptive. There will, however, be a much more open approach to 'how' the objectives are achieved, followed by tight accountability sheeted home to individual leaders, business units and staff.

At the executive leadership team level, leaders will hold tightly to the why and the what, trust their middle managers to drive the how, and hold them to account for implementation through clear performance targets.

For the executive, this will mean they need to step back from being in the business and spend more time being *on* it. It means they will collectively think operations first, system second and policy as an enabler of both. It means they will focus their internal strategic narrative on making the complex simple and on driving consistent focus on the small number of high-impact strategic choices/objectives they have selected. In future, the executive team should spend much of its time looking up and out, rather than in and down.

Such an approach will also support better opportunities for growth and development at tiers 3–4in particular. This will in turn assist with talent management and succession.

To drive this model of strategy implementation, the Ministry will need to first-principles review its current delegations framework and existing governance structures.

We also suggest that these changes should include a 90-day planning approach, monitored by some form of EPMO, to drive performance, pace, accountability and organisational learning.

That is, the overall strategy should be further chunked down into 90-day periods, with names and targets attached. At the end of each period, there should be a pause and a collective 'look up and out' reflection. This will entail candid performance reporting about what worked and didn't, recalibration of the forward plan, and assessment of emergent risks and any lessons learned. Then the agency should launch the next 90-day effort, informed by these learnings.

While such an approach requires considerable investment in administration and data insights, we suggest that it would afford leadership a much clearer line of sight over what's working and not. This is at present hard to discern given the number of committees and other governance bodies. It should also allow for swifter decision-making at all levels and reduce the need for matters to be escalated to the senior team (which is creating bottlenecks and a lack of transparency around decision-making at present).

A further refinement on this will be for the strategic objectives to be cascaded top-down into the plan and performance targets of business units and individual staff, in a manner akin to that reflected in Police's high-performance framework. Almost all Police staff can tell you how what they do connects to the bigger strategy and targets for Police. While Justice has a more constitutionally complex operating environment, this should not (and cannot) preclude clear line of sight.

Success here will be a matter of removing complexity, duplication and too many decision-making bodies, and organising all activity around a simple set of strategic objectives and a clear, multiple horizon implementation approach. This will address the problem the agency has at present of too much noise and complexity in the system. At present, we were consistently told, there are too many meetings and too much relitigation and rework.

Such an approach will also assist with both prioritisation and accountability. There is little more debilitating to passionate and committed staff than being unclear about what the priorities for their work are. Under the approach we suggest, those priorities should become very clear and can be recommunicated every 90 days. What Justice has chosen not to do, or not to do right now, will also be apparent. This should unify efforts across teams, galvanise people to focus on the things that will have the greatest impact, and provide a shared sense of urgency around making the plan happen.

As one respondent put it to us, *"High-performing service delivery organisations ensure that the right people are doing the right work, at the right time, and in the right way. Their people have a clear understanding of what is expected of them on a daily and weekly basis, know what they have achieved, and are prepared for upcoming priorities. Strengthening the use of data ... to inform decision-making and guide operational planning will further enhance the Ministry's ability to deliver meaningful results, improve performance, and achieve better outcomes for the communities it serves."*

Accountability will also become considerably starker. It should become obvious where there are problems with delivery. This clarity is important, not as a stick to beat people with, but as an indicator of where a new risk may need to be managed, or a system problem might be getting in the way. Where there are performance problems, these can also be addressed in an evidence-based manner.

Recommendations

9. Develop an implementation framework and lessons learned mechanism to support a 90-day planning and accountability model, drawing on lessons from other operational agencies that have successfully adopted similar approaches.
10. Review the effectiveness of the Ministry's governance architecture, relevant policies and delegation framework against the objectives of reducing complexity, simplifying line of sight and driving tighter accountability. Where necessary, simplify or adjust these arrangements to better support delivery of the Ministry's strategic priorities.

An explicit operating model needs to be in place to deliver strategy

Refreshing and communicating strategy alone will not be sufficient to ensure effective implementation. The Ministry must progress, with urgency, the design of an explicit operating model through which to implement its strategy and deliver its services, including those of the courts.

While the term 'operating model' is much misunderstood, and often taken to refer to organisational structure, in this context we see it as an essential bridge between strategy and execution. It should look at the whole organisation and ask the question: 'how do we need to organise ourselves to make our strategy happen?' It should encompass such matters as core systems and processes, ways of working, governance, risk management, organisational design and so on.

To use a house building analogy, if the vision is the aspiration a person has for a particular kind of house in which to live a particular life, the strategy is the architect's concept drawing of that vision, and the operating model is the detailed plan provided to the builder and other trades.

At present, with both vision and strategy unclear, the Ministry is investing a lot of resource into 'building' but the various trades do not have a schematic showing how all the bits fit together. This contributes to inefficiency, obscures line of sight and risks duplication of effort and costs.

The impending launch of Te Au Reka has brought the current lack of a clearly articulated future operating model into sharp relief. The programme is not simply a technology change. It raises broader questions about how court services should be delivered, how administrative work should be organised, and how the benefits of the investment can be fully realised. The programme will digitise many of the paper-based systems currently used in court operations and represents one of the most significant changes to the administration of courts in decades.

The Te Au Reka project centres on the development of enabling technologies to digitise court processes. The project creates a new courts portal and is a key aspect of the justice system's transition from manual, paper-based court processes to a streamlined digital one. It will operate across five stages of the court process: application, registry review and case creation, judicial preparation and decision-making, actioning of judicial decisions, and notification of court users.

The new system will provide a single hub where lawyers, administrators and clients can file documents, issue payments, pay fees, monitor case progress, and access court information online. Data need only be entered once for a court process, removing the current duplication and ensuring improved completeness, accuracy and resilience of court records.

We are concerned that a project of this magnitude and cost is l*eading* rather than *following* work on the future operating model for the Ministry and its biggest delivery arm of the courts.

There is no doubt that the courts must modernise their largely paper-based systems and processes as quickly as practicable. Our concern is less with the project itself than with the notion that such a significant technology investment is being made in advance of a clearly articulated operating model and in the context of an unclear system and agency strategy. Technology should follow and enable rather than lead strategy.

When we asked interviewees for the 'why' of the currently funded phase of Te Au Reka, we got a wide range of responses, from '*improving timeliness*', to '*improving case flow*', to 'not much right now but it offers lots of potential for later.' While the base business case identifies a broader range of benefits, including improved access, resilience and more efficient court processes, these were not consistently known or able to be articulated by the interviewees. Additionally, there seemed to be no discernible plan for where freed up resources could or would be redistributed for greater benefit over time. In our view, benefits should be clearly defined, owned and tracked as Te Au Reka progresses, so that any capacity it frees up can be deliberately redeployed to where it adds most value.

The lack of a future operating model also further illustrates the challenges the leaders of the Ministry's corporate enabling functions currently experience in anchoring their own plans into an agency and system strategy. This risks the enabling tail wagging the Ministry's dog.

In response to this challenge, the Ministry and judiciary have very recently commenced Te Pae Tawhiti, a programme intended to articulate a future operating model for courts, tribunals and supporting justice services. The emerging work is designed to consider how justice services might be organised and delivered over the coming decade, and how future operating, workforce, property, digital and service-delivery decisions might support that direction.

This is absolutely the right thing to do, and the approach being taken to the work appears professional, inclusive and rigorous. Stakeholders, including the judiciary, are highly engaged with the work and were consistently positive about its benefits.

However, we note that the Ministry has engaged part-time external support to lead the work on the target operating model. External expertise can add value but work of this significance should not be consultant-led or treated as a discrete design exercise. The operating model is the core architecture through which the Ministry will align its organisation to strategy and deliver change. Senior leaders must therefore directly own and drive the work, make the difficult choices it will require, and be collectively accountable for the resulting model and its implementation. The fact this is not the case is indicative of the Ministry not appreciating the critical importance of this work (compared to other activities), or that, as some interviewees suggested, the requisite knowledge, skills and experience are not within the organisation.

To provide the leadership team with space and time to undertake this work, we suggest that, once the vision and strategy refresh are progressed with urgency as above, the Ministry revisits its list of current in-flight initiatives, particularly those in the enabling functions, and stops or pauses as much work as possible in order to prioritise high engagement in and joint work on the operating model.

We suggest that any upcoming decisions on high-value operational or capital investments should also be paused pending this work. This is not feasible for long, particularly regarding the property portfolio, and implies that the operating model design must be fast-tracked.

The mindset the Ministry's leadership team brings to the operating model design will also be important. It will be vital to understand that they cannot analyse their way to the right model. Nor should they seek a perfect plan. It will be necessary to make some big calls based on partial

information and to organise the work from the outside in (that is, from the needs and future experiences of the system, the customer and court users) rather than from the Ministry out. This should draw on structured insight from court users, victims, practitioners and frontline staff, not just internal data.

The work is also likely to be quite confronting. It will entail pulling back the covers on the pain points in the current system and potentially making some hard and politically complex decisions. For example, rather than, as now, adopting single-point solutions that push the air in the system balloon from one place to another, an option available to the system is to adopt a more stratified approach to the matters that go before the courts. It would be possible to take considerable load out of courts through such measures as extending the current alternative resolution models, or decriminalising some offences, significantly increasing judicial numbers or addressing some of the system inhibitors within the current legislation.

Major issues that are not front and centre at present will be exposed through this work. For example, because the High Court is dealing with an increase in homicides and many such cases are increasingly complex, this is pushing other serious criminal matters down to an already overloaded District Court system. This is in turn displacing civil matters from the scheduling, resulting in delays (robbing Peter to pay Paul). The Ministry, working with the judiciary and sector, has a range of choices here. It needs to confront these choices, provide the relevant advice to ministers and act decisively. No choice is likely to be perfect or without cost. But choices must be made, and with urgency, given the unsustainable current state operating model.

As noted earlier, in the section on strategy, it will be vital to centre the operating model on the core work of the agency, which is court operations and system leadership.

This work is also likely to have multiple implications for organisational design. For example, approximately 3,359 FTE (70.8 percent of the Ministry's workforce) currently sit within Operations and Service Delivery, with responsibility for this large operational function flowing through a single Chief Operating Officer with a very large span of control. As the future operating model evolves, this arrangement may not prove fit for purpose.

Managerial positions in court operations — which are currently organised on a functional basis — may need to be arranged according to a different design philosophy, for example, general managers as relationship owners and accountable executives for each major court. The future geographical location of services will also need careful consideration. With 50 percent of all criminal cases currently being run from Hamilton North, it may be that the agency should relocate some operational leadership functions closer to where the services are being delivered.

The design of the future system operating model may also need work to prevent potential duplications and chokepoints. For example, a range of interviewees questioned the placement of the Centre for the Prevention and Elimination of Family Violence and Sexual Violence within the Ministry.

As it accelerates its work on the future operating model, it will be essential that the Ministry is not inhibited from continuing to take an inclusive, broad-church approach to its design. Staff, stakeholders, and judicial partners are keen to co-create and co-own. They have the constitutional literacy and authority in our mixed model to do so with the required balance and subtlety.

It may also be useful to establish a practitioners' reference group to ensure the operating model is just that, focused on operations. A mix of Crown solicitors, defence counsel, judges, Police, Corrections, victim advocates and representatives of the civil branch, for example, may be a helpful standing body for the work.

Recommendation

11. Ensure that the current work on the future courts operating model is fast-tracked, adequately resourced and collectively governed at the Ministry and judiciary level. This may require other lower-priority projects and investments to be stopped, paused or re-sequenced.

The agency has a good platform on which to build, given its passionate people and improving relationships with the judiciary

Just as the Ministry has cultural strengths on which to build, it has a deep reservoir of commitment and capability in its people. Many of the staff who emailed us during this Review, while sometimes deeply frustrated, also described the positive aspects of their jobs and their pride in their work. As one put it, in a comment typical of many, *"Overall, I am proud to work for the Ministry of Justice ... I have worked alongside dedicated, highly capable colleagues who are committed to serving the people of New Zealand and supporting the administration of justice. Despite significant challenges, the Ministry continues to deliver important services and support the courts, judiciary, and the wider justice sector to a high standard."*

The Ministry has also made good progress, over the last few years, in rebuilding relationships with the judiciary. Joint working through judicial committees has been a notable feature in recent times and judges appear both well sighted on key initiatives and highly engaged with many of them.

Several members of the judiciary highlighted the progress made in rebuilding relationships between the Ministry and the courts. While they acknowledged that tensions and differing perspectives remain inevitable in a mixed model, many considered the current level of engagement to be significantly stronger than in previous decades.

A recurring observation was that recent success has come where the Ministry and judiciary have worked together on clearly defined priorities, invested time in building trust and maintained regular engagement rather than relying solely on formal governance arrangements.

Several interviewees pointed to COVID-19 as an important catalyst, with the shared challenges of that period helping to establish stronger working relationships and a greater appreciation of the different roles played by the Ministry and judiciary. As a judicial leader noted, *"the more collaborative approach developed through COVID-19 accelerated the relationship between the Ministry and judiciary and created a stronger platform for joint problem-solving and reform".*

Perhaps the most notable example is the Te Au Reka courts digitisation project, in which senior judges have been deeply involved. Interviewees frequently cited Te Au Reka as an example of what can be achieved when the Ministry and judiciary invest in a genuine partnership of co-design and co-ownership. A number of participants attributed the programme's progress not only to the quality of the technology work itself, but to the close relationships, shared governance arrangements and high level of judicial engagement that have developed around it. As one judicial leader observed, *"The reason Te Au Reka is working is because we have been able to build a much closer relationship. There is no substitute for working closely together on every aspect from design right through to delivery."*

These working relationships demonstrate what can be achieved when the Ministry and judiciary work closely together over an extended period of time. One of the opportunities for the future will be to apply the same level of shared ownership, trust and engagement to the broader reform challenges identified throughout this report.

There is opportunity for more focus on citizen, customer and victim experience

A consistent theme of this Review was the perceived lack of focus by the Wellington-based parts of the Ministry on end-user experiences in its decision-making. *"At National Office they talk about numbers and cases"*, said one interviewee, *"but not about the people at the heart of the system. The victims, whānau, defendants, lawyers, judges, and court staff."*

We will traverse a single example here as being illustrative of a wider opportunity. It relates to the work of court victim advisers. These tend to be highly compassionate staff, deeply committed to justice, and struggling, often solo, to deliver services at the frontline.

A victim adviser to a High Court described the challenges of helping victims present their victim impact statements at sentencing and the trauma of this experience in the courtroom environment, confronting the very defendants who have caused the harm. The High Court deals with murder cases and some of the most serious sexual/violent offending criminal cases, so it is no surprise that these staff are emotionally affected by their work.

The overall number of court victim advisers has increased since 2019, although five roles were removed through attrition over the past two years. The Ministry provides mandatory professional supervision, with advisers able to choose an independent provider, including a psychologist, as well as access to EAP. However, the advisers we spoke with did not experience these arrangements as sufficient support for the cumulative trauma and emotional demands of the role. They described feeling under-resourced and disconnected from regional Ministry managers and National Office, and said they often looked instead to local judges or lawyers for collegial support and leadership.

While the example relates to victim advisers, similar themes emerged elsewhere in the Review. Frontline staff, court users and external stakeholders frequently described emotionally demanding roles, increasing complexity and a sense that the human experience of interacting with the justice system can become secondary to process, timeliness and throughput measures.

From our perspective, this story may be representative of a wider problem. Interviewees told us that the registry and victim support function at the courts felt threadbare and deprioritised, even though this is the opposite of what the current Government states it wants. During our interviews, we observed a wide range of views that the human dimension of working at the justice system frontline did not appear to them to be front of mind for the Ministry, including the substantial secondary trauma burden that judges, counsel, registrars, court-takers, and victim support workers carry. This is creating both delivery risk (to the public) and significant and avoidable mental health risks for frontline workers.

In this context, one interviewee told us that, *"... central Ministry of Justice seems to neither recognise nor respond to the fact of how traumatic and stressful court hearings can be for the participants — both civil and criminal."* This problem may be exacerbated by the fact that there is almost no local, on-the-ground management of court support teams.

While our example here relates to Ministry staff, we suspect that these insights could also be applied to matters of judicial welfare at the frontline. Judges typically take on their roles in an effort to give back to the justice system and are often surprised by the unrelenting nature of the workload and the emotional pressures of the work. Several judicial leaders suggested these pressures are becoming increasingly difficult to sustain and warrant greater visibility within wider workforce and system planning discussions.

"The fact of scheduling is such that it is almost impossible to plan a short break or even an appointment," said one interviewee. *"And when you finally do, you feel awful about the pressure it is placing on other staff and colleagues."* Another said, *"The quality of justice depends in the final analysis on the accuracy and wisdom of the judicial insight being brought to bear. That gets harder as cases get more complex and volumes increase."*

If the Ministry were to take the opportunity to adopt a more customer-centric approach, it would likely want to shift a greater balance of its staffing investment towards, rather than away from the frontline, invest further in pastoral care for both staff and the judiciary, and ensure that support to victims and court participants is sufficiently resourced.

From the perspective of the future operating model work, it may also be useful to consider some form of extended regional presence, to further strengthen the local system relationships that are so critical to well-coordinated operational service delivery and to ensure that regional leaders are of sufficient seniority to drive local performance and transmit local insights back to the senior team.

Any regional arrangements should be developed with the judiciary to strengthen frontline capability, coordination and court performance. They should recognise registries as part of the courts, alongside the Ministry's responsibilities for resourcing and effective service delivery. The aim should be to bring support and decision-making closer to court operations, with clear roles and accountability that enable registries to fulfil their role effectively.

Recommendation

12. As part of the work on the future operating model for courts, further develop and implement plans relating to the following. Plans should recognise registries as part of the courts, alongside the Ministry's responsibilities for resourcing and effective service delivery.
    a. the most appropriate resourcing, capability and leadership arrangements for frontline registry and support functions
    b. mapping the future capability that will be required of staff in these positions in a post Te Au Reka environment
    c. the investments required in capability uplift, enhanced pastoral care and improved career pathways for staff
    d. the investments required in tailored pastoral care for members of the judiciary, and
    e. whether some form of regionalised model may be desirable to better support frontline service delivery and provide opportunities to shift resource from National Office to more empowered regional leadership, closely networked to the regional service delivery apparatus of justice system partners.

There is also opportunity to more fully harness the insights and experiences of frontline staff

Further to these opportunities, staff interviewees consistently told us that their frontline experience and ideas did not appear to be sufficiently informing senior management decision-making. They felt that decisions and processes were often designed centrally without enough input from those who would implement them. Several said they had offered practical ideas but did not feel heard. *"They need to listen to people on the frontline",* said one interviewee. *"We have ideas too. I don't feel listened to."* Another said, *"Quite often decisions are taken higher up without really understanding how they will impact the Registry."*

While senior leaders told us about the ways in which their 'organisational stocktake' device harnesses ideas from the frontline, we did not hear about this from the staff with whom we spoke.

Several interviewees told us that the issue was not necessarily a lack of engagement opportunities, but uncertainty about what happened to suggestions once they were made. A recurring theme was the absence of visible feedback loops that demonstrated how frontline insights were considered, acted upon or incorporated into decisions.

One interviewee summarised the problem as follows: *"One of the most noticeable challenges is the highly hierarchical and siloed culture. Opportunities for employees to contribute ideas, challenge existing ways of working, or influence decisions can feel limited, as decisions are often made at higher levels with little opportunity for broader input. As a result, innovation and continuous improvement can be difficult to achieve."*

Most frontline staff spoke very positively about their immediate teams. Across contact centres, courts and tribunals, staff described strong camaraderie, frequent informal support and a willingness to help colleagues manage difficult calls and subject matter. For some, their immediate colleagues were the principal reason they remain in the organisation.

That positive local experience contrasted with a strong sense of disconnection from the wider Ministry. Staff felt that organisational attention was heavily focused on statistics, payment collection, call measures and backlogs, sometimes at the expense of staff, service quality and the circumstances of the people using the justice system.

There was also frustration at being held accountable for outcomes that frontline staff could not fully influence. Examples included backlogs caused by cases waiting for hearings, limited judicial or courtroom capacity, and contact centre staff receiving calls from people who had been unable to get responses elsewhere, particularly regarding civil litigation matters. Staff felt they were often left to absorb the resulting complaints.

As noted earlier in the section on culture, these issues can be exacerbated by a perception that leaders will be defensive when issues are raised. Some interviewees told us that not only did they not feel listened to, but they also often expressed a fear of making suggestions. When we probed as to the reason for their anxiety one interviewee's view was, *"It's just not obvious how to speak out about an opportunity for change. And the fear is, if you do, you'll be made to feel like you're the problem. That's scary, in a climate of headcount reduction."* We address this point on speaking out more fully below.

Our interviews suggest a frontline workforce that remains strongly committed to its work and highly supportive of colleagues, but which is experiencing sustained pressure and uncertainty. Newer staff are asking whether they can see a future for themselves in the Ministry. Longer-serving staff are asking whether the Ministry has a credible and sustainable pathway through the operational pressures it — and the wider justice system — face.

Recommendation

13. Review the current mechanisms for harnessing frontline insights for operational performance improvement. Adapt and recommunicate them to managers and staff. Provide feedback loops to staff when their ideas are utilised.

There is a pressing need for more strategic workforce management

Workforce planning

The Ministry's People Experience (PX) function has traditionally been dominated by tactical human resource management but is beginning to test more strategic organisational development interventions. A new leadership framework, for example, has recently been launched.

However, strategic workforce planning remains a critical gap. This is needed to anticipate future skills requirements and build a resilient, capable and appropriately distributed workforce. Once the strategy is refreshed and the future operating model is clear, the development of a workforce plan should follow. We note that this recommendation was also made in both the 2012 and 2014 Performance Improvement Reviews.

The ability of the Ministry to improve court performance, respond to growing demand and complexity, and realise the benefits of Te Au Reka will depend heavily on the capability, capacity and deployment of its workforce. Strategic workforce planning is therefore central to the Ministry's future operational performance challenge.

The workforce plan will need to address each aspect of the employee life cycle. Specific opportunities to build on here include the following:

- Attraction and recruitment
    - The Ministry needs to focus on developing talent attraction strategies that foster the improved retention of staff. Reasons for both attraction and exit need to be fully explored in order that they inform new recruitment value propositions. Interviewees also raised concerns about the Ministry's ability to attract and retain staff in some frontline roles and questioned whether current remuneration settings remain competitive in all parts of the organisation.
    - Applying innovative approaches to the recruitment of new talent. These could explore greater use of secondments, retention incentives, and sharing staff with other agencies and partners. For example, co-locating staff with regional courts for a period would assist with developing deeper understanding of operational delivery processes and customer experience. Cycling top talent through other sector agencies may also be useful.
    - Continue work to align recruitment to the future operating model. For example, a more digitised courts system, with a stronger emphasis on case management, will require new capabilities among registry staff. Planning for these capabilities should begin now.
    - Considering and responding to future labour market pressures. There are unique challenges in attracting skilled staff to regional court registries.
- Onboarding
    - Investing in rigorous onboarding of new staff, through a staged induction programme grounded in vision, strategy, values and the operating model.
    - Ensuring that onboarding for National Office and corporate staff includes attendance at courts and tribunals.

- Learning and professional development
  - Developing a portfolio of development activities for staff targeted to the strategy and which better aligns the needs of both employees and the organisation. This could replace the more ad hoc model, driven by individual initiative and open to perceptions of favouritism, that we have heard currently prevails.
  - The provision of targeted and properly structured leadership development pathways for managers and other key staff, that is aligned to the talent management system. This could include leadership modules targeted to the frontline. The new leadership framework is a first step here but needs to be meshed into a robust talent management process.
- Reward and recognition
  - Reviewing the current remuneration strategy and structure, including the use of one-off payments for 'outstanding performance'.
  - Reviewing current role design, remuneration settings and career pathways to ensure they support attraction, retention and workforce sustainability.
  - Using more robust moderation processes to recalibrate the performance bell curve to a normal distribution, rather than, as several managers told us is currently the case, inflating performance ratings to address perceived remuneration shortfalls.
  - Strengthening recognition programmes that take account of the values and behaviours. A common complaint from the staff we interviewed was a perceived lack of recognition and appreciation from senior management, although we note that many interviewees stressed that their immediate managers made positive efforts in this area.
- Progression and performance
  - Reflecting on the optimal rostering and surge workforce models to maximise the fungibility of staff and better sustain future court operations.
  - Developing talent management, performance management and succession planning that assess employee performance and potential against both technical and behavioural criteria, with sound and objective moderation. Simple talent mapping of performance and potential (for example, on the widely used public service nine-box grid) will be fundamental to better targeted professional development and succession planning.
  - Investing in improved and more proactive succession planning for all key roles. The organisation is currently carrying significant key person risks, particularly on the operational side of the agency.
  - Refreshing and modernising the current performance appraisal system and aligning the criteria used in performance appraisals to agency strategic outcomes.
  - Continue to develop enriched development and career path opportunities (such as inwards and outwards secondments) both within the Ministry and across partner agencies.
  - Paying particular attention to career pathways for registry staff to improve talent retention and engagement. Sentiments such as, in the words of one interviewee, *"I feel like I have hit a ceiling. Plateaued. I feel like there is nowhere else to go",* were a consistent theme in our conversations with frontline staff.

- Engagement, retention and exit
  - Developing engagement and retention strategies that are focused on monitoring cultural health and learning the lessons that arise from any regrettable talent losses. Engagement surveys and pulses should result in quality 'so what' reporting and action plans. Although the Ministry has a structured process in place, some staff told us they had never seen the results from or any action plan pertaining to the quarterly 'Working for Justice' pulse surveys. The Ministry is taking steps to ensure this process is visible to staff and consistently followed.
  - Running exit interviews and publicising insights drawn from these to senior leaders. The manner of employee separation is also important. Thoughtful alumni management in a way that encourages stickiness and return of staff will be worth the investment for this agency, particularly regarding frontline staff.

As part of this Review, we spoke with both new and long-serving Ministry staff. Newer staff were focused on what it is like to enter and build a future within the Ministry. Their concerns centred on onboarding, training, career pathways, clarity of expectations, recognition and whether they could see a future for themselves in the organisation.

The longer-serving staff were more focused on the cumulative effect of growing demand and repeated organisational change. They drew on their experience over time to describe increasing workloads, declining capacity, persistent turnover, implementation risks and the absence of a visible long-term plan.

Across both newer and longer-serving staff, a recurring concern was not simply workload but uncertainty. Many interviewees questioned what their future career path looked like, what capabilities would be required in future roles, and how current change initiatives would affect their work over time.

There was a difference in how the newer and longer-serving cohorts talked about retention. Newer staff questioned whether there was somewhere for them to progress, while longer-serving staff were concerned that committed and experienced people were leaving because workloads were unsustainable or staff did not feel heard and valued.

People performance management

In theory, the Ministry has detailed frameworks and processes to support performance management, with clear links to remuneration and a competency framework to support promotions and increments. The Ministry also has a number of initiatives underway or planned to make improvements in this area, which will need to be actively monitored to ensure they have impact.

In practice, however, staff are unclear about what it takes to get ahead. Several respondents felt that, in operations, this is managed as much by inference as by using formal performance metrics, direct feedback or coaching systems. Some staff told us they felt progression was often a matter of 'who you know' as opposed to objective judgments on performance and potential.

Performance assessment conversations appear to be inconsistent in quality and timeliness. We suggest investment in coaching skills for those managers requiring support in this area.

Low-performance ratings are too rarely assigned, with the distribution of performance metrics skewed toward the top end. More attention needs to be paid to addressing under-performing staff and managers, especially early in people's careers when they may need help in identifying their

strengths and development areas. Many interviewees also told us about what they perceived to be overly protracted performance and disciplinary processes.

Respondents told us that incentives for managers to address mediocre or poor performance appear weak. Frequent staff turnover also works against proactive performance management. Several interviewees suggested that all managers, in addition to training in basic coaching skills, should be taught how to have a good quality performance conversation. They suggested this would help reduce the inconsistency in the quality of these conversations that appears to be happening presently.

Speaking up

Given some challenging aspects of Ministry culture we identified earlier, we remain concerned that not all staff appear to have confidence in the channels currently available for raising concerns or challenging decisions. We received a number of communications from staff who had struggled to find resolution to workplace issues and who wanted to utilise confidential speak-up channels as opposed to raising matters with their manager or the PX team. Some described being 'shut down' or 'made to seem like the problem' when they tried to raise sensitive issues.

Given the prevailing defensiveness of internal culture, and the strand in organisational DNA that is wedded to 'keeping off the front page', we believe it is likely that speaking out on inappropriate behaviours is currently being chilled for staff. The significant number of responses to our confidential email — and the sensitive nature of those communications — during this review is testament to this. We also spoke directly with several staff who described concerning behaviours and practices by some senior staff, who were deeply fearful of reprisals for speaking out. This is not a sign of a healthy and open culture.

This is exacerbated by what some staff told us was a lack of trust in the PX team to receive and address sensitive complaints. *"I know they must balance looking after people with looking after the interests of the Ministry",* said one interviewee. *"But they really seem focused on deflecting and minimising issues. Some seem to want to protect managers at all costs."*

For an organisation seeking to build trust, accountability, and a culture where people feel safe to challenge decisions, confidential and safe avenues for raising concerns are critically important. Employees must feel confident that they can speak up about issues without fear of repercussion. Senior leaders must ensure they make time to consider disclosures coming via speak up channels and analyse them for both strong and weak signals. Such an insular and hierarchical culture creates a high-risk environment for bullying, harassment and other harmful and inappropriate behaviours. As part of the work on the future operating model, the Ministry might consider whether the ELT should identify and assess options to ensure people and culture issues have a more direct voice at the top table.

Recommendations

14. Consider opportunities to improve the strategic capability of the PX function and the focus on strategic people management at the top table.
15. Develop a strategic workforce plan that reflects the revised vision and strategy as part of the work on the future operating model. Ensure that it addresses the needs of both the current and future workforce and all stages of the employee life cycle.
16. Continue to develop and embed coaching training for managers at all levels, including training in how to take a sensitive complaint and have a performance conversation.
17. Review current 'speaking out' channels, including the level of trust, with a view to developing multiple and trusted channels for staff use, including anonymised channels, and communicating these widely across the agency.

6

Appendices

In this section:

- Terms of Reference
- About the Ministry of Justice
- Overview of information from the Ministry on the Harrison matter
- Lead reviewer recommendations

Appendix One: Terms of Reference

RAPID PERFORMANCE IMPROVEMENT REVIEW OF THE MINISTRY OF JUSTICE'S OPERATIONAL DELIVERY FUNCTIONS

Purpose

These Terms of Reference set out the approach for undertaking a rapid Performance Improvement Review of the Ministry of Justice's operational delivery functions.

Context

The Government has signalled a strong focus on improving the performance of the justice system, including supporting community safety, reducing victimisation, strengthening public confidence in institutions and ensuring New Zealanders can access justice in a timely and effective manner.

The Ministry of Justice's operational delivery functions play a central role in delivering these outcomes. Through the administration of courts and tribunals and the delivery of frontline justice services across New Zealand, the Ministry contributes to a justice system that is accessible, timely and responsive to the needs of New Zealanders. The performance of these functions directly influences the experience of victims, witnesses and other court users, and supports the effective progression of cases through the courts and tribunals.

The Ministry operates in a complex and demanding environment. It must manage changing volumes and complexity of work, maintain service delivery across a nationwide court and tribunal network, support the effective progression of cases, and work closely with the judiciary and justice-sector partners.

The Ministry supports the operation of a separate branch of government (the judiciary). The effective operation of the system within which the courts and tribunals operate is also shared across a number of agencies with differing levels of statutory independence. In undertaking the Review, regard will be had to the respective responsibilities of the judiciary and the Ministry as set out in the *Principles observed by the Judiciary and Ministry of Justice in the Administration of the Courts* (2018).

Responsibility for operational delivery is shared across a number of Ministry functions, supported by a range of enabling services. Delivering strong operational performance requires effective leadership, workforce capability, clear accountability, robust performance management disciplines, reliable operational information and a sustained focus on continuous improvement.

The Ministry is also undertaking a significant transformation of court operations through Te Au Reka. The programme is intended to modernise court processes, introduce new digital systems and improve the accessibility, efficiency and effectiveness of court services. Successfully implementing this transformation while maintaining reliable frontline services will be critical to supporting improved justice outcomes over the long term and is a key consideration in this Review.

The Review is also being undertaken against a backdrop of heightened public scrutiny of the Ministry in relation to its handling of the employment matter involving former employee Russell Harrison.

Objective

Within this context, the Public Service Commission is undertaking a rapid Performance Improvement Review to assess how well placed the Ministry's operational delivery functions, leadership, operating model, capability, systems and performance disciplines are to deliver sustained improvements in operational performance, successfully implement major change, and support the Government's priorities across the justice sector.

Scope

The Review will apply an adapted version of the Public Service Commission's Performance Improvement Review methodology.

The Review will focus on the Ministry's operational delivery functions, including court and tribunal administration, frontline justice services, operational performance, workforce capability, service delivery, organisational management and supporting systems. It will not include the independent functions of the Legal Services Commissioner or where staff work at the direction of the judiciary.

Responsibility for operational delivery extends across a range of Ministry functions and the Review may therefore consider wider organisational settings where they have a material impact on operational performance and delivery outcomes.

The Review will not examine the merits of individual employment decisions or specific employment matters. It may, however, consider organisational responses, changes and improvements implemented as a result of lessons identified through previous events where these are relevant to the Ministry's operational performance, leadership, governance or organisational capability.

The Review will consider four core areas, as outlined below.

Priority Area One: Future Excellence Horizon

The Review will assess what is required of the Ministry's operational functions over the medium term, including:

- the performance challenge facing the Ministry's operational delivery functions over the medium term, and the leadership, capability, workforce and organisational changes required to deliver sustained improvements in operational performance and service delivery
- the contribution Government and New Zealanders require from the Ministry's operational services
- the operational capability needed to support a timely and effective justice system
- the leadership, operating model and workforce required to deliver that contribution.

Priority Area Two: Results

The Review will assess how effectively the Ministry's operational delivery functions (noting the scope parameters set out above) are delivering results, including:

- improving court and tribunal timeliness, case progression and throughput
- reducing avoidable delays in case progression, including scheduling, readiness and registry bottlenecks that contribute to court, tribunal and registry backlogs

- maintaining reliable, accessible and consistent court and tribunal services across New Zealand
- improving the quality of service and experience for victims, witnesses, defendants, and the public
- improving operational productivity, efficiency and use of resources
- using data, digital tools and process improvement to strengthen service delivery and operational decision-making
- contributing to the Government's justice priorities, including timely access to justice, improved public confidence and better system performance.

Priority Area Three: Organisational management

The Review will assess whether the Ministry has the management settings and disciplines required to deliver reliable court and tribunal services, improve performance and implement major operational change. It will focus on:

- **Operational leadership and accountability** — whether leadership structures, responsibilities and accountabilities are clear, support effective management of court and tribunal operations, and maintain sustained attention on service performance and improvement.
- **Performance and delivery management** — whether leaders have clear service standards, meaningful performance measures and reliable operational information to manage demand, timeliness, workload, productivity and service quality.
- **Operational decision-making and controls** — whether delegations, decision rights, escalation pathways and internal controls enable timely decisions, effective oversight and clear accountability for operational and resource-management decisions.
- **Workforce capacity, capability and culture** — whether the Ministry's operational delivery functions have the leadership depth, workforce capacity, skills, deployment arrangements and performance culture required to manage demand, maintain reliable services and implement change.
- **Financial and resource management** — whether the Ministry's operational delivery functions have a robust approach to managing funding, expenditure and resources to support frontline delivery and demonstrate value for money, including effective financial planning, budget management, procurement, commercial disciplines, contract management and oversight of third-party providers.
- **Service improvement and digital transformation** — whether operational improvement is systematic and whether process redesign, Te Au Reka and other digital initiatives are being translated into measurable improvements in service accessibility, timeliness, quality and efficiency.
- **Resources, data and investment** — whether funding, assets, technology, data and investment are aligned with operational priorities and used effectively to support frontline delivery, manage demand and strengthen future capability.

- **Risk and assurance** — whether operational, workforce, financial, digital and delivery risks are identified early, escalated appropriately and actively managed; and whether assurance provides senior leaders with confidence that critical services, controls and major change programmes are operating and being delivered as intended.

Priority Area Four: Ministry Response to Matters Arising from Staff Suspended on Leave

The Review will provide an assessment on the extent to which the Ministry has responded to issues arising from the Harrison matter through improvements to its governance, systems, controls and assurance arrangements for managing matters involving staff suspended on leave. It will consider whether the Ministry has appropriate frameworks, policies, oversight mechanisms and organisational capability in place to support effective decision-making, risk management and accountability. The Review will also consider how lessons arising from the Harrison matter have informed organisational improvements and strengthened the Ministry's approach to managing similar matters in the future.

Deliverables and timeframes

The Review will produce a short, focused report that sets out:

- the Review's key findings against the agreed scope
- an assessment of how well the Ministry of Justice is positioned to advance the Government's justice priorities and support a well-functioning justice system
- the main strengths, risks and capability gaps identified across the Ministry's operational delivery functions through the Review
- a prioritised set of recommendations, including immediate and medium-term actions
- proposed next steps for the Ministry and the Commission to consider.

Lead reviewers

The Public Service Commission will appoint two external lead reviewers to support the Commission in undertaking the Review in accordance with these Terms of Reference.

Lead reviewers will collectively bring experience in organisational leadership, operational management, performance improvement, workforce and people leadership, risk and assurance, financial management, digital transformation and governance.

At least one lead reviewer will have significant experience within the justice sector or in the leadership of large operational service delivery organisations.

Cost recovery

The costs of the Review will be recovered in accordance with the Public Service Commission's approach to funding Performance Improvement Reviews.

Confidentiality

The Review will require access to organisational, operational and performance information, including material that may be sensitive or confidential.

Information provided for the Review will be used only for the purposes of undertaking the Review and preparing its findings and recommendations. Interview material will be treated in confidence and reported by theme, rather than attributed to individuals, unless otherwise agreed.

Appendix Two: About the Ministry of Justice

The Ministry of Justice combines policy, regulatory and justice-sector leadership responsibilities with extensive operational delivery across courts, tribunals and community-based justice services. This appendix provides an overview of the Ministry's role, functions, scale and operating environment.

Unless otherwise stated, the information and figures in this appendix are drawn from the Ministry of Justice Draft Annual Report 2025/26 and supporting information provided by the Ministry to the Review. The figures reflect the most recent information available to the Review in September 2026.

Role and purpose

The Ministry plays a central role in New Zealand's constitutional and justice systems. It serves and supports all three branches of government: the executive, the legislature and the independent judiciary. Its overarching purpose is to strengthen people's trust in the law.

The Ministry's principal functions are to:

- advise the Government on justice and constitutional matters
- support the independent judiciary and the operation of courts and tribunals
- deliver justice services across New Zealand
- lead and partner across the justice sector.

The Ministry administers a substantial body of legislation and contributes to the stewardship of New Zealand's justice policy and regulatory systems. It is responsible for 154 laws and 52 regulatory systems spanning constitutional, criminal, civil and family law, courts and tribunals, legal services and regulated occupations.

Operational delivery

The Ministry provides frontline support and registry services to the Supreme Court, Court of Appeal, High Court, District Court, specialist courts, and 26 tribunals and authorities. It supports more than 400 judicial officers and delivers services through a nationwide network of courts, tribunals and operational sites. Its frontline staff are often the first point of contact for people engaging with the justice system.

The Ministry delivers a wide range of services supporting courts and tribunals and the people who use them. These include:

- court and tribunal registry services
- support for victims, witnesses, defendants, whānau, jurors and other court participants
- court security
- legal aid administration
- contact centre and central registry services
- collection and enforcement of fines, reparation, civil debt and legal aid debt

- transcription and interpreter services
- commissioning and management of community-based justice services
- technology, property and other support for the operation of courts and tribunals.

The scale of this activity is substantial. During 2025/26, the Ministry supported nearly one million District Court events, processed around 100,000 legal aid applications, answered more than 1.2 million contact centre calls, completed around 80,000 transcription requests and processed 16,300 interpreter requests. Court security staff screened more than 2.9 million visitors, while Collections Services collected $261 million in fines, reparation and legal aid debt.

Workforce

The Ministry employed 4,744 FTE as at 30 June 2026. Approximately 3,359 FTE (70.8 percent) sat within Operations and Service Delivery. The remainder of the workforce was distributed across policy, corporate, enabling, justice-sector leadership and support functions. The Ministry also reports that more than 3,500 staff work in frontline roles delivering justice services directly to New Zealanders.

Operational staff include court registry staff, Family Court navigators, contact centre staff, collections and enforcement staff, transcription staff, legal aid staff and approximately 350 court security officers. The Ministry also arranges interpreter services for court and tribunal proceedings.

The Ministry's geographically dispersed workforce supports court and tribunal operations in large metropolitan centres, provincial towns and smaller communities.

Funding, assets and infrastructure

The Ministry administers Vote Justice and Vote Courts and is responsible for significant public expenditure supporting the operation of New Zealand's justice system. In 2025, operating expenditure across the Ministry was approximately $1.9 billion.

This expenditure supports court and tribunal operations, legal aid, community-based justice services, property, technology, security, policy advice and other functions involved in the administration of justice.

The Ministry maintains a property portfolio of more than 100 buildings, including courthouses and other operational sites. It is also responsible for establishing, supporting and maintaining more than 40 information and communications technology systems and applications used by the Ministry and judiciary.

This combination of workforce, property, technology, contracted services and operational funding means the Ministry's performance depends on its ability to manage people, assets, information and investment in an integrated way.

Working with the judiciary and justice-sector partners

A defining feature of the Ministry's operating environment is the shared model through which New Zealand's courts are administered. The judiciary is constitutionally independent and responsible for the orderly and efficient conduct of court business. The Ministry provides the people, funding, technology, property, information and administrative support needed for courts and tribunals to operate.

Neither the Ministry nor the judiciary controls all the levers required to improve court performance. Effective administration therefore depends on collaboration between the Ministry and judiciary, as well as engagement with Police, Corrections, Crown Law, Oranga Tamariki and other justice-sector agencies and participants.

The Ministry also provides policy, analytical and coordination support across the justice sector, including support for the Justice Sector Leadership Board.

Strategic direction

The Ministry's purpose is to strengthen people's trust in the law. Its Strategy 2025–2029 identifies three enduring outcomes:

- accessible and effective
- trusted and legitimate
- a safe and prosperous society.

The strategy identifies priority goals relating to victims, timely access to justice, Māori disproportionality in the criminal justice system, confidence in public institutions, confidence to work and invest in New Zealand, violent crime, and creating a Ministry in which its people thrive.

The Ministry's performance framework draws on international indicators, national indicators, and service and performance measures. These include measures of court timeliness, case completion, service performance and how people experience the justice system.

Major transformation

The Ministry and judiciary are jointly delivering Te Au Reka, a new digital case and court management system. Te Au Reka is intended to replace manually intensive, paper-based processes with digital services and case management tools, improve access to justice, and strengthen the efficiency and effectiveness of court operations.

The first phase focuses on the Family Court. Later phases are intended to extend digital case management to the criminal and civil jurisdictions of the District Court and High Court, followed by other courts, tribunals and functions.

Hosting responsibilities

The Ministry hosts the Office of Treaty Settlements and Te Tari Whakatau, Takutai Moana, as a departmental agency. It is also the servicing department for the Executive Board for the Elimination of Family Violence and Sexual Violence and its secretariat, the Centre for the Prevention and Elimination of Family Violence and Sexual Violence.

Appendix Three: Information provided by the Ministry on Harrison

This appendix summarises the Ministry of Justice's account of its handling of the Russell Harrison matter and the actions it identified in response.

It draws principally on a memorandum provided to the reviewers by the Secretary for Justice on 3 September 2026, which had been accepted by the Ministry's Strategic Leadership Team Board as a fair record of the history and handling of the matter and the actions required. It also draws on the Secretary for Justice's public statement of 5 August 2026. The material below represents the Ministry's account and assessment. The reviewers have not independently verified or adopted the findings.

Lessons identified by the Ministry

The Ministry's 3 September 2026 memorandum records the following overarching findings:

- The Ministry missed an opportunity to terminate Mr Harrison's employment when it received the Police vetting report on the same day he was charged. It considered that termination should have been assessed at that point rather than moving directly to suspension.
- The initial internal advice was incorrect. The Ministry identified failings in both the advice itself and the arrangements for quality assurance and peer review.
- Relevant operational managers and People Experience accepted and acted on that advice. The Ministry considered that managers and more senior leaders should have tested and questioned the position more vigorously, particularly because the advice was expressed in qualified terms.
- Mr Harrison's employment was actively managed during the suspension. However, decision-makers deferred to the advice and, in the Ministry's assessment, arguably placed too much emphasis on avoiding litigation risk.
- The matter warranted more deliberate consideration at the most senior levels of the fiscal cost, reputational risk and wider organisational implications of continuing the suspension.
- There was insufficient systematic reassessment of Mr Harrison's situation over time. The Ministry identified a need for stronger systems to monitor and escalate complex or long-running employment matters.

Context recorded by the Ministry

The Ministry recorded that Mr Harrison began work as a Kaiārahi in June 2021 and was charged shortly afterwards. The criminal proceeding was complex, involved multiple charges and procedural issues, and was affected by COVID-19 and wider pressure on the courts. The expected hearing date was deferred several times.

The Ministry also recorded that the suspension was not unmanaged. Managers maintained contact with Mr Harrison, formally reconsidered the position at several points, and considered a negotiated exit. Its assessment was nevertheless that there should have been stronger senior oversight, more systematic reassessment, and fuller consideration of the risks of continued inaction.

The Ministry identified additional lessons relating to the management of annual leave and secondary employment while an employee is suspended. It considered that greater thought should have been given to how those matters would be perceived publicly and that managers dealing with sensitive employment matters required stronger guidance and oversight.

Actions identified by the Ministry

The Ministry stated that it would:

- develop greater depth of expertise and strengthen access to specialist employment law advice and assurance
- review and strengthen processes and guidelines for pre-employment checks, conditions of employment and management controls for conditional employment
- review employment policy settings for managing prolonged absences relating to criminal charges or allegations of serious misconduct, and provide managers with clear guidance
- strengthen decision-making for significant employment matters by clarifying legal, human resources and operational responsibilities and requiring comprehensive advice, risk assessment, independent review and documented reasons
- improve senior leadership oversight and escalation of high-risk or long-running employment matters through structured review points, regular reporting, defined decision points and no-surprises processes for ministers.

The 3 September memorandum recorded that the actions outlined above would either be completed, or the Strategic Leadership Team would have made decisions on implementation, by the end of October 2026.

High-level chronology

The following high-level chronology uses dates recorded in the Ministry's 3 September memorandum and its public statement of 5 August 2026.

Date	Event
March–May 2021	Mr Harrison applied for a Kaiārahi role, underwent recruitment assessment and was offered employment.
3 June 2021	The Ministry submitted a Police vetting request.
21 June 2021	Mr Harrison began work as a Kaiārahi based in Rotorua.
27–29 June 2021	A criminal conviction history check was requested and returned showing no convictions or outstanding fines.
30 June 2021	Mr Harrison was charged with money laundering and participation in an organised criminal group. The Police vetting report was received later that day and disclosed the charges.
7 July 2021	Mr Harrison was suspended on full pay.
March 2022	The possibility of a negotiated exit was discussed, but no agreement was reached.
June 2022	Following further consideration, the Ministry continued the suspension on full pay.

Date	Event
2023–2024	The expected hearing date was deferred several times. The Ministry recorded that the delays reflected the complexity of the case, procedural issues, COVID-19 and pressure on the courts.
January 2025	The Ministry again formally reconsidered the position and continued the suspension on full pay.
January 2026	The trial was set down for 29 July 2026.
March 2026	A possible resignation was discussed, but no agreement was reached.
19 June 2026	Mr Harrison pleaded guilty to money laundering.
24 June 2026	The Ministry terminated Mr Harrison's employment following an employment process.
5 August 2026	The Secretary for Justice published the Ministry's initial findings, apology and actions.
3 September 2026	The Secretary for Justice provided the Reviewers with a memorandum accepted by the Strategic Leadership Team Board as a fair record of the history and handling of the matter and the actions required in response.

Appendix Four: Full list of recommendations

Culture, leadership and risk

Recommendation 1

Working inclusively with staff at all levels, review Ministry values and translate them into specific, observable leadership and staff behaviours. Embed these behavioural expectations in selection, development, performance and recognition processes.

Recommendation 2

Develop an Executive Team Charter (tiers 1-3) that reflects the revised values and sets clear expectations for collective leadership, appropriate workplace behaviour, constructive challenge, decision-making and accountability. Support this with regular self-review and periodic external review.

Recommendation 3

Review and refresh the Ministry's current risk appetite settings and ensure they are clearly communicated, consistently understood and actively applied to support timely decision-making, innovation and transformation.

Vision, strategy and operations

Recommendation 4

Working with urgency, and with broad staff and stakeholder engagement, the Ministry should refresh both its vision and medium-term strategy into a plain language artefact based on measurable outcomes. The refreshed strategy should explicitly reflect the Ministry's identity and priorities as a major operational agency and its system leadership responsibilities. It should then be cascaded into the plans of all business units and the performance agreements of all staff.

Recommendation 5

Strengthen strategic external and internal communication/stakeholder engagement with a view to improving reach and depth of messaging around strategy and direction.

Stewardship

Recommendation 6

Working with ministers, the judiciary, justice-system agencies and system participants, lead the development of an agreed long-range stewardship plan for the justice system, with clear outcomes, priorities and accountabilities. The plan will need to recognise the various independent mandates and decision-making roles and should be used to frame advice on longer-term risks, strategic choices and trade-offs, and to guide future investment and reform priorities.

Recommendation 7

Ensure that stewardship, foresight and longer-term planning are treated as core leadership responsibilities. Strengthen regular mechanisms for identifying future risks, opportunities and reform priorities, and ensure sufficient analytical capability and leadership attention is dedicated to these activities.

Recommendation 8

Review system governance architecture in the context of the long-range stewardship plan. Clarify mandates, decision rights and accountability for whole-of-system outcomes, recognising the independent roles of system participants and taking account of wider public service reform initiatives. Ensure governance arrangements are supported by implementation, data and foresight capability.

Strategy execution and accountability

Recommendation 9

Develop an implementation framework and lessons learned mechanism to support a 90-day planning and accountability model, drawing on lessons from other operational agencies that have successfully adopted similar approaches.

Recommendation 10

Review the effectiveness of the Ministry's governance architecture, relevant policies and delegation framework against the objectives of reducing complexity, simplifying line of sight and driving tighter accountability. Where necessary, simplify or adjust these arrangements to better support delivery of the Ministry's strategic priorities.

Future operating model

Recommendation 11

Ensure that the current work on the future courts operating model is fast-tracked, adequately resourced and collectively governed at the Ministry and judiciary level. This may require other lower-priority projects and investments to be stopped, paused or re-sequenced.

Participant experience and frontline delivery

Recommendation 12

As part of the work on the future operating model for courts, further develop and implement plans relating to the following. Plans should recognise registries as part of the courts, alongside the Ministry's responsibilities for resourcing and effective service delivery.

a. the most appropriate resourcing, capability and leadership arrangements for frontline registry and support functions

b. mapping the future capability that will be required of staff in these positions in a post Te Au Reka environment

c. the investments required in capability uplift, enhanced pastoral care and improved career pathways for staff

d. the investments required in tailored pastoral care for members of the judiciary, and

e. whether some form of regionalised model may be desirable to better support frontline service delivery and provide opportunities to shift resource from National Office to more empowered regional leadership, closely networked to the regional service delivery apparatus of justice system partners.

Recommendation 13

Review the current mechanisms for harnessing frontline insights for operational performance improvement. Adapt and recommunicate them to managers and staff. Provide feedback loops to staff when their ideas are utilised.

Workforce and people management

Recommendation 14

Consider opportunities to improve the strategic capability of the PX function and the focus on strategic people management at the top table.

Recommendation 15

Develop a strategic workforce plan that reflects the revised vision and strategy as part of the work on the future operating model. Ensure that it addresses the needs of both the current and future workforce and all stages of the employee life cycle.

Recommendation 16

Continue to develop and embed coaching training for managers at all levels, including training in how to take a sensitive complaint and have a performance conversation.

Recommendation 17

Review current 'speaking out' channels, including the level of trust, with a view to developing multiple and trusted channels for staff use, including anonymised channels, and communicating these widely across the agency.



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